Handbook of Canon Law

D. I. Lanslots O.S.B.

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FOR CONGREGATIONS OF WOMEN UNDER SIMPLE VOWS

BY

D. I. LANSLOTS, O.S.B.

TENTH EDITION

REVISED AND ENLARGED TO CONFORM WITH THE NEW CODE OF CANON LAW

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✠PATRICK J. HAYES, D.D.
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PREFACE

RELIGIOUS communities are the chosen portion of the fold of Christ; in them Christian virtue and evangelical perfection should shine forth in all their splendor. The Church has at various times adopted suitable measures to enable them to continue on that high plane. The multitude of laws and regulations affecting them became, however, in course of time, a source of doubts and difficulties. It was above all necessary for the preservation of order and harmony, which must prevail in every society, that the authority of the Superiors of the congregations and that of the Bishops over them should be well defined. In order to respect each other's rights both should know the law.

In order to prevent all future conflict, Pope Leo XIII promulgated on December 8, 1900, *the constitution, "Conditæ a Christo," in which he determined on the one hand the rights of the Bishop in regard to institutions of simple vows, whether diocesan or non-diocesan, and on the other hand, the rights and duties of Superiors*

towards the diocesan authority. This document of the greatest importance fixed the canonical legislation as applying to congregations of simple vows, but only in its main outlines, and needed a supplement to regulate the details of a practical organization. This supplement was found in the "Normae" or rules which the Sacred Congregation of Regulars was wont to follow in the approbation of new congregations of simple vows. It was a code of 325 articles describing with precision the pattern according to which constitutions had to be framed. The "Normae" strictly speaking concerned only those congregations which would apply to the Congregation of Regulars for the approbation of their constitutions. They had no retrospective effect for congregations already approved, and in themselves they were not laws. They manifested, however, the wishes and recommendations of the Sacred Congregation. The Sacred Congregation has no intention of imposing absolute uniformity on all new congregations, as this would destroy their varied usefulness. But religious life is substantially the same for all, and therefore the various constitutions will practically resemble each other.

Although written for congregations of women, the "Handbook" applies also to congregations of

brothers with simple vows, with the exception of the articles concerning postulants, examination of candidates by the Bishop before taking the habit and before profession, dowry, the dwelling of the chaplain, the presidency of the Bishop at the general chapter.

This edition has been thoroughly revised according to the new Codex of Canon Law, which came into force on Pentecost 1918. *The whole of the Second part of the Second Book — 195 canons — is devoted to Religious, that important part of the membership of the Church. The new Codex provides that in all cases, in which the former legislation is contrary to its canons, it is abrogated; when it is not, the former legislation remains in force. The text of the Constitutions of all approved Congregations must be corrected according to the prescriptions of the new Codex. To avoid all inconvenience in a matter of such importance, the Sacred Congregation of Religious by its Decree of* 26 *June,* 1918, *orders that the corrected text shall be submitted to its examinations. All approved Congregations, as also all societies of men and women, without public vows, can conveniently do so, when they send the report about the state of their congregations to the Holy See, as prescribed by Canon* 510; *that is, the fifth year from the last re-*

port, unless the approved constitutions should require a period of less than five years. For the purpose of examination some copies of the constitutions should be sent together with the necessary corrections. The "Normae," upon which the "Handbook" chiefly rested, were partly superseded by a code of new regulations under the old name. These new regulations were approved by H. H. Pope Benedict XV March 6, 1921. *The dispositions contained therein replace the first section of the old "Normae." The S. Congregation declares that there seems to be no further need of the second section, as writers of Constitutions must now conform to the canons concerning religious, and may consult learned authors. The purpose of the new "Normae" is the same as of the former, viz:* 1°, *to offer a sure guide explaining all that is necessary in order to obtain approval of new religious Congregations and of their Constitutions, and* 2°, *in order that local Ordinaries, and religious Superiors may know what documents and proofs to forward to the S. Congregation to enable it to pass with more ease and quickly upon the Constitutions. When we quote the "Normae," we refer to those of March* 6, 1921.

This new edition contains all the necessary prescriptions of the Codex and of the new "Normae," to-

gether with the latest decrees of the S. Congregation.

As the laws of the church are made to be observed, religious should know them. The non-fulfilment of the law on the part of Superiors as well as of inferiors would be inexcusable when culpable ignorance is the cause of transgression. All should be properly informed about their respective duties. A "Handbook," therefore, such as this, should be at the command of every member.

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BOOK I

Foundation — Approbation of Congregations with Simple Vows and of their Constitutions and their Suppression

CHAPTER I

PRELIMINARY

Art. I. *Meaning of the Words: State, Order, Congregation or Institute, Rule and Constitutions*

1. By *religious state* is understood (Canon 487) the firmly established manner of living in community, by which the faithful undertake to observe, not only the ordinary precepts but also the evangelical counsels, by means of the vows of obedience, chastity and poverty.

By *Order* we understand every Institute, whose members make profession of solemn vows.

By *Congregation or Institution* we understand an association of pious persons, who wish to tend to

perfection by the practice of the three *simple* vows, whether temporary or perpetual, of poverty, chastity and obedience.

2. The word *rule* in the canonical sense designates a guide of life according to evangelical perfection, imposed on religious in order that by it they may tend more efficaciously in every-day life to the purpose of their calling.

Four rules only have been recognized as such by the church, viz.: the rules of St. Basil, of St. Augustine, of St. Benedict, and of St. Francis of Assisi. *Constitutions,* on the contrary, mean a code of laws or prescriptions, which govern a congregation and determine its action. On various occasions the Sacred Congregation of Regulars has declared that in new congregations no distinction could be made between rules and constitutions; while we know, on the other hand, that other rules have been approved by the Holy See, and even the name of *rule* applied to certain constitutions.

Art. II. *Different Classes of Congregations with Simple Vows*

3. There are two classes of congregations with simple vows:

1°. Congregations of pontifical right, as the new Codex calls them, are congregations which have obtained approbation, or at least the decree of praise from the Holy See; in this Handbook they will be called *Approved Congregations*,

2°. Congregations of diocesan right are those that are founded by the Ordinaries and have not yet obtained the decree of praise from the Holy See; in this Handbook they are called *Diocesan Congregations*.

CHAPTER II

FOUNDATION — APPROBATION — EXTENSION TO OTHER DIOCESES AND SUPPRESSION OF A DIOCESAN CONGREGATION

ART. I. *Foundation and Approbation of a Congregation*

4. The Bishop is the first Superior of all the houses of a diocesan congregation, established in his diocese.

This is the fundamental principle of canonical legislation governing these congregations, whether they have been founded by the Bishop or by others.

5. Whenever a Bishop has convinced himself of the advisability of founding a new Congregation of simple vows, he must first of all approach the S. Congregation of Religious, with distinct information as to what is necessary, in order that the S. Congregation may form an exact idea as to the opportunity of a new foundation. (N. 3.)

6. With his request for permission to found a new Congregation, the Bishop must at the same time fur-

nish information on the following points: Who is the founder of the new Congregation, what is her moral standing, and what are the motives leading to the new foundation; what shall be the title or name by which the new Congregation shall be known; what is the form, color, material of the dress to be worn by novices and professed; to what and to how many different works shall it be devoted; by what means does it expect to be supported; whether there are similar congregations in the diocese and what are their occupations. (N. 4.)

After having obtained the necessary permission the Bishop may authorize the new Congregation, with the proviso that, whatever concerning habit, title, purpose, etc., may have been recognized by the S. Congregation, shall be in force, and that no changes shall be made therein without its previous consent. The Bishop will then proceed to frame the constitutions. Without at least episcopal approbation, no institution with a religious purpose could share the privileges of the church. Before giving his approval to the constitutions, the Bishop must submit them to a close examination. They must contain nothing contrary to faith, such as devotions condemned by the Holy See or sound theology; to morals, such as works which are not proper to religious

women, and of which we treat later on; to the sacred canons or decrees of the Holy See, such as excess of authority to Superiors, manifestation of conscience, etc.

7. The Bishop, in as far as possible, instead of founding a new congregation, might call into service, when needed, a congregation already approved, and serving an analogous purpose.

The Holy See has on different occasions expressed its wishes in this respect. By joining a congregation already existing, the new foundation will have a sufficient membership, and be stronger and more durable; it can borrow its constitutions, its customs, its discipline, its experience, and avoid the stumbling blocks common to all new institutions.

8. Excepting perhaps in missionary countries, no congregation should, properly speaking, be approved, which, having no fixed and special purpose, proposes to devote itself indiscriminately to all kinds of works of piety or charity, however different they may be. (N. 13.)

This prescription of canon law applies to the secondary and varying purpose of each institution; the principal end, viz., personal sanctifi-

cation of the members by the practice of the evangelical counsels, is identical in all institutions.

9. The Bishop should not allow a new congregation to be founded when there is no assurance of the necessary revenues for the subsistence of its members. (Canon 496.)

These revenues may be derived either from the works to which the institution devotes itself, or from foundations and donations or from the dowry of the religious. The average of the income should generally be sufficient. This prescription does not treat of the necessary resources of a charitable institution about to be founded; it will be the duty of the faithful to provide the means.

10. Most cautious procedure is required in approving new Congregations, which would only be supported by alms and door to door collections. (N. 14.)

The Church does not condemn the old mendicant orders, but warns all new institutions against the ever increasing difficulties of the times; the charity of many has cooled. This does not apply to collecting for good works. For whatever purpose, however, collections are made, the prescrip-

tions of the decree "Singulari quidem" of March 27, 1896, are obligatory.

The S. Congregation calls the attention of all approved Congregations to the faithful observance of Canons 622, 623 and 624. Approved Congregations are forbidden to beg alms, without a special permission of the Holy See, and then only Sisters of mature age and excellent conduct can be sent out. Sisters of diocesan Congregations require the written consent of the local Ordinary, and of the Ordinary of the place where they would collect.

11. **Not easily will new Congregations, especially with perpetual vows, be approved, that propose to help day and night the sick of both sexes at their homes, or undertake daily domestic service at the homes of the poor or of the laboring class. (N. 15).**

The S. Congregation does not absolutely forbid similar Congregations, but insists that if ever approval for good reasons is given to such, the Constitutions must prescribe prudent conditions and safeguards, to free the Sisters from danger.

12. **The S. Congregation will not easily approve congregations, having for special purpose, to provide in their houses health resorts or board and lodging to both sexes. (N. 16.)**

A religious house is not a hotel. The S. Congregation does not forbid to receive occasionally pilgrims, or to give hospitality to friends of the institution or other well recommended persons.

Only good and solid reasons would induce the S. Congregation to approve of asylums for priests in these houses; or to approve of Sisters teaching in boys' schools, or in mixed schools, in which both boys and girls are co-educated.

13. The establishment of noviciates does not require the consent of Rome.

Diocesan congregations are under the exclusive control of the Bishops. Recourse to the Holy See for permission to open a noviciate is required only for congregations approved by it.

14. Rights which episcopal approbation confers.

1°. Episcopal approbation makes of a new institution a spiritual society and gives it an ecclesiastical existence, which confers upon it the rights of ecclesiastical establishments and renders it capable, as a body, of possessing temporalities; it may then, according to canon law, sue and be sued. 2°. Houses so formed become religious places, subject to canon law in as far as administration and canonical visitation are concerned.

3°. Without being religious in the canonical sense, and without sharing the privileges of religious orders with solemn vows, the members of these institutions become *ecclesiastical persons*, and partake of the privileges granted to these. 4°. They are in the religious state, but are not subject to the effects of the laws imposed on strictly religious orders or regulars. 5°. The Bishop may confer upon them for a just and grave cause (Canon 464) an exemption more or less complete.

Art. II. *Expansion of a Diocesan Congregation into Various Dioceses*

15. Every foundation in another diocese requires the consent of both Bishops concerned; of the diocese, in which the house making the new foundation is located, and of the place in which the new foundation is to be made. (Canon 495.)

The two Bishops must arrange with each other the conditions of existence of the new foundation and also of the relations to be kept with the mother-house. Without a serious reason the first Bishop should not deny his consent to the new foundation. *For the new establishments* the Superior General has a right to visit them, to trans-

fer members, and see to the exterior discipline, etc., provided the Bishop has not curtailed her authority at the time of the new foundation.

16. **In the event of a diocesan congregation spreading to other dioceses, nothing may be changed in its nature and constitutions but with the consent of all the Bishops in whose dioceses the congregation exists. (Canon 496.)**

Formerly each Bishop had a right to allow changes within the limits of his diocese. The situation, however, was abnormal. To obviate the serious inconveniences of this abnormal condition, the Holy See demands that all the Bishops concerned should agree, the deviation from the purpose assigned to a congregation becoming thereby a practical impossibility. If the congregation is limited to one diocese, the Bishop may at any time, for grave reasons, modify it and its constitutions.

Art. III. *Suppression of a Diocesan Congregation*

17. **A diocesan congregation, once lawfully founded, although consisting of one house, cannot be suppressed, except by the Holy See. (Canon 493.)**

Suppression is an extreme measure and requires urgent reasons. The following are some

of the reasons justifying the action: great relaxation of discipline, impossibility to carry out the works, for which the congregation was instituted, a bad financial administration, etc. All other means suggested by prudence should be first resorted to. The new Codex has modified the former legislation. It still leaves the authority to the Ordinaries (Canon 498) to suppress a house, after having heard the General of the congregation, but restricts their authority in the following manner. If the house constitutes the whole congregation, the Holy See alone can suppress it. Moreover, the order of suppression of even one house could not take effect pending an appeal, if one were lodged with the Holy See against their decision.

18. **Conclusions.**

From the suppression of a diocesan congregation or of one of its establishments result the following consequences: 1°. *With regard to the members of the institution:* The religious of a house so suppressed, if the congregation possesses any other establishments, are probably obliged to join them and continue community life. If the whole congregation is suppressed, they are

dispensed from their vows, except that the Holy See would decree otherwise about the vow of perpetual chastity in the act of suppression. 2°. *With regard to the property of the institution:* This property is church property; by suppression of the congregation it becomes vacant according to canon law. The religious do not possess it as partners or individual proprietors, who, in case of dissolution of partnership, would have a right to their equal share; the congregation is the proprietor. After suppression, the property is placed at the disposal of the ecclesiastical authorities, who will take into account the intentions of benefactors and founders, the origin of the property, the charges upon it, the needs of the members of the suppressed institution, of all that equity and charity may demand. So, for instance, the dowries of the religious will be restored to them; the usufruct of property ceded by a religious cannot be disposed of. But all these charges met, the ecclesiastical authority will give another destination to the balance. The Holy See alone has this right by reason of its high domain over ecclesiastical property.

CHAPTER III

CONDITIONS REQUISITE FOR APPLICATION TO THE HOLY SEE FOR APPROBATION OF A CONGREGATION WITH SIMPLE VOWS AND OF ITS CONSTITUTIONS

19. The condition of diocesan congregations, as described in the preceding pages, is rather precarious; spread in different dioceses, they are dependent upon various bishops; without a sufficiently strong central authority. No wonder, then, that the Holy See desires them to leave this initial stage, and exhorts them to present their constitutions for its approval. We must now indicate the course to be followed.

ART. I. *Conditions Required on the Part of the Congregation*

20. **Before presenting itself to the Holy See for approbation, the congregation should have sufficiently expanded, brought forth good results, given a good trial to its constitutions and be possessed of sufficient means.**

If, on account of the absence of these conditions, the Sacred Congregation does not deem fit to proceed to the approval of the institution, it is wont to give it a brief of encouragement, by praising the zeal of its founder, or the purpose of the congregation, occasionally even by approving the institution itself, but reserving the approbation of its constitutions for a more propitious time. No length of time is specified as necessary before applying for approbation; but the old *Normae*, Art. 9, required from ten to fifteen years after its foundation. Should the congregation not have spread to other dioceses, the Holy See will probably take into consideration the number and importance of the houses. The Sacred Congregation will be sufficiently informed by the petition to be presented, of which we treat in the following article.

Art. II. *Conditions Required on the part of the Constitutions*

Sec. 1. *Necessary Documents*

21. **When a congregation presents itself in Rome for the approval of its constitutions, it must send a petition to the Sacred Congregation of Regulars with the necessary documents.** (N. 8.)

The following documents are required:

1°. *A request addressed to the Pope*, signed by the Superior General and other assistants, by which they

humbly beg the approbation of the congregation and of its constitutions.

2°. *Letters of endorsement from the Ordinaries*, who have houses of the congregation within their jurisdiction. These letters, the most important of which is that of the Ordinary of the mother-house, should contain, *a.* the opinion of the Ordinary about the congregation, gathered from its works in his diocese; *b.* his judgment about the request for approval; is it opportune or for what reasons should it be deferred? *c.* the wish for any modifications in the constitutions, or in the works of the constitution. The Bishop must send sealed, and addressed directly, this letter of endorsement to the Sacred Congregation.

3. A report, signed by the Superior General and her Council and confirmed as authentic and true by the Ordinary of the Mother-house, explaining the origin of the Congregation with the name of its founder and her chief qualities and giving also full information on the following points:

4. *State of the members:* indicate the number of postulants, of novices, of professed with temporary and perpetual vows; state whether there are various classes and the number in each; also the number of houses in various dioceses, and of the members in each.

5. *State of Discipline:* indicate how the members live up to the constitutions, and state the defects, if any; give a summary of the government; if there is

a Superior General, the duration of her term of office, the number of councillors, the time of calling the general chapter, the manner of electing the various officers, duration of term for local superiors.

6. *State of finances:* indicate approximately the ordinary resources of the institution, the immovable property, the capital at hand, also charges of the institution and of every house, including debts, mortgages, etc.

7. *Information* about the noviciate, the different stages of probation, the duration of the noviciate, and the number of novices and postulants, and the religious education they receive.

8. *Official text of the constitutions* approved by the Bishop and printed either in Latin, French, or Italian. To facilitate the work of the consultors, at least ten copies must be sent.*

The brief must be signed by the Superior General, the Treasurer General and the Secretary General. It shall then be vised by the Ordinary of the mother-house; he must certify to the truth and the authenticity of the documents, and shall then sign and seal it.

All these documents are required whenever a new approbation is desired.

* The cost of printing and all other necessary expenses must be borne by the interested congregation. The Superiors General must deposit with the Sacred Congregation a sum of money, to be determined in each case by the Secretary of said Congregation. (Decree of 24th March 1914.)

22. Even if the congregation is intended for missionary countries, the constitutions and all the documents mentioned above must be addressed to the Sovereign Pontiff, through the intermediary of the Sacred Congregation of Regulars.

Sec. 2. *Plan to Follow in Framing the Constitutions*

23. The constitutions should contain all that concerns, 1° the nature of the institution, its members and its mode of living; 2° the government, the administration and the various offices.

24. To facilitate inquiry, the Sacred Congregation recommends that the constitutions be divided into parts, the parts into chapters, the chapters into paragraphs or articles, and that these be numbered from beginning to end. (N. 25.)

25. The new Normae do not mention the adoption of one of the great rules approved by the Church; if such a request be made, a true copy of this rule should precede the Constitutions.

It may seem desirable that the congregation take a rule, distinct from the constitutions, a rule already approved by the Church, 1°, because by so doing the new institute is attached to a great religious family; 2°, it places itself under the protection of the Holy Founders and of all the Saints who have sanctified themselves by the practice of that rule; 3°, it becomes a shareholder

to a certain extent of all the privileges and favors of the older order; 4°, it finds in this rule a code of precepts and counsels, inspired from above; 5°, the approbation of the Church gives to these rules a sanction preferable to everything else.

26. Two decrees of the Sacred Congregation of Regulars must be added in the vernacular at the end of the constitutions.

These decrees are the following: 1°, the decree "Singulari quidem" of March 27, 1896. 2°, the decree "Cum de Sacramentalibus" of February 3, 1913. It is advisable to add the decree "Sacra Tridentina Synodus" of December 20, 1905, as it must be read publicly at least once a year.

Sec. 3. *Qualities of the Documents*

27. The wording of the constitutions must be short, clear, and well arranged.

a. It must be short: no need of entering into minute details. The constitutions should be drawn up in a way to impress the memory. They must, however, be complete, and indicate the chief points with reference to the end proposed by the institution.

b. It must be clear. Nothing leads to differences in communities like ambiguity in the constitutions. Clearness as much as correctness is required in

expression as well as in matter. Exaggerated and fallacious expressions must be carefully discarded. In particular, care should be taken that the obligations of vows are not confounded with the practice of the corresponding virtues; but their bearing should be clearly indicated, especially with regard to the vow of poverty.

c. It must be well arranged. The Sacred Congregation has determined the arrangement.

The Holy See generally requires that the constitutions, before being forwarded to Rome, should be accepted by the religious in chapter.

Sec. 4. *Defects to be Avoided in the Compilation*

28. The Holy See does not allow any preface or introduction to the constitutions, nor does it admit historical notices, letters of endorsement or of praise, from whatever source they may come, with the one exception of the decrees of praise or approbation given by the Holy See itself. (N. 22. a.)

29. All quotations from Holy Writ, Councils, Holy Fathers, Theologians, and of any book or author whatsoever, must be expunged from the constitutions. (N. 22. C.)

These quotations, while adding no value to the constitutions, which receive their binding power from the approbation of the Holy See, needlessly

lengthen and obscure the text. Moreover, these quotations generally apply to orders with solemn vows only.

30. **Quotations from the Directory, the Ceremonial or the book of customs must also be avoided for fear that, being inserted into the constitutions, these books might be regarded as approved by the Sacred Congregation. The Sacred Congregation orders them, however, to be submitted for inspection. (N. 22. c.)**

The approved constitutions cannot be amended without authorization from Rome, but this is not the case with the other handbooks. The constitutions are a code of laws; this is the reason why quotations from other books are out of place in them.

31. **It is forbidden to mention in the constitutions laws and regulations of the civil authority or any governmental approval. (N. 22. d.)**

Two reasons may be adduced for this prescription: 1°. Because the institutions, however frequently they may come in contact with the civil power, are solely dependent upon the Holy See. 2°. Because civil laws differ according to countries, circumstances, and times, while the constitutions should be identical in all countries and under all governments.

32. **The constitutions must not treat (a.) of the duties of Bishops and confessors, (b.) nor of regulations concerning students and studies, (c.) nor of a detailed timetable for the daily work of the community. (N. 22. c. f.)**

The reasons of the first prohibition is that the constitutions are written for the religious, not for the Bishops and the confessors. The second does not exclude the relations of members of the institution with the students, but all else that directly affects studies and students, because regulations affecting them are apt to need frequent changes. The timetable also might require frequent alterations.

33. **All dogmatic or moral questions, or decisions of controverted questions, especially those concerning the vows, must be eliminated. (N. 22. g.)**

This is easily understood, as the constitutions are a code of laws, not a handbook of moral or dogmatic teaching, nor a defence of controverted opinions, which may commend themselves to the piety of individuals.

34. **A distinction must be maintained, even in the wording, between religious orders and congregations with simple vows. (N. 22. h).**

No mention should be made of Rule, Monastery, Nuns, but of Constitutions, Congregation or Institution, House, Sisters.

35. As the constitutions are a code of laws, concerning government and regular observance, all ascetic and mystic considerations should be expunged from them. (N. 22. i.)

36. Every minute detail concerning the minor offices should also be eliminated. (N. 22. k.)

The *Normae* mention such minor offices as the kitchen, the infirmary, the vestiary. The reason is that minute details about these would be entirely unbecoming to the seriousness of the text of constitutions to be approved by the Holy See.

The Constitutions, however, must clearly state all that concerns the nature of the Congregation, the vows, the members, and the manner of living; also all that concerns the government of the Congregation; its administration and chief offices. (N. 23. a. b.)

Sec. 5. *Title of the Institution*

37. The title or name of the congregation should be borrowed from the attributes of God, the mysteries of religion, the feasts of our Lord, of the Blessed Virgin or of the saints, or from its particular aim. (N. 26.)

The first congregations with simple vows have generally taken the name indicated by their par-

ticular mission, for instance, Sisters of Charity, Brothers of the Christian Schools, Little Sisters of the Poor, etc. Others have taken the name from a mystery, which they proposed to honor in a special manner, such as, Fathers of the Sacred Heart, Ladies of the Assumption, Religious of the Immaculate Conception; others, again, affiliating themselves to the great orders, have taken the name of Tertiaries.

38. New congregations should carefully avoid taking the name of existing institutions, or at least shall add a qualification to distinguish it from all such. (N. 27.)

39. In the selection of a name, everything should be avoided that looks strange, absurd, or ridiculous, or seems contrary to sound theology. (N. 28.)

Sec. 6. *The Habit*

40. The constitutions must exactly describe the form of the habit, which must be simple, modest and poor.

In the selection of the form, three conditions must be complied with: *a*, it must not be that of an existing congregation, in order to avoid confusion; *b*, it must be conformable to religious poverty; *c*, it must not in any way be ridiculous or

out of keeping with religious modesty and seriousness. Hence the *Normae* recommended that no silk, gold, or silver be made use of, if not for a cross or a silver medal.

41. After the Institution has applied to the Sacred Congregation for approval of the constitutions, it cannot, without the authorization of the same, make any changes in the form.

This is according to the general principle that no changes can be made from the moment that application for approval is made in Rome. As long, however, as the congregation is purely diocesan the Bishop could, for good reasons, introduce changes.

42. In religious institutions with two classes of religious, the habit, without being identical, should not be entirely different.

In the sisterhoods there must be a distinction between professed Sisters and novices and also between choir Sisters and lay- or assistant Sisters. The habit for the same class must be of the same form; and Superiors General cannot allow themselves any distinction. The members of the second class have generally a costume somewhat more simple. The difference between professed Sisters and novices consists generally in this, that

the Sisters wear the black veil, the novices the white.

Art. III. *The Purpose of the Institution*

43. The principal end of every institution is the sanctification of its members by the observance of the evangelical counsels and of its constitutions.

44. The principal end or purpose must be clearly distinguished from the secondary end proper to each institution.

The first and principal end is not sufficient to justify a new foundation, considering that religious congregations are differentiated not by their religious life, but by the end of their institution. This purpose consists in the special duties of charity towards God and one's neighbor. The practice of charity under this double aspect and under its various forms is the reason of the existence of the various congregations; if this is wanting, neither the Bishop nor the Holy See will hesitate to refuse recognition. To obtain approbation the secondary purpose must be clearly determined, that is, the purpose must not be identical with that of any other congregation; it must not embrace too many distinct works, and the works must be in keeping with the religious state.

45. **These purposes must be couched in modest terms, as becomes persons professing humility.**

46. **Once the Holy See has taken the cause in hand, the purposes can no longer be modified.**

For particular reasons, however, in missionary countries for instance, institutions, at the request of Ordinaries, could take up work which at first they had not contemplated and which was not provided for in the constitutions. This is the case also with diocesan congregations.

47. **In preparing the list of saints whom the institution proposes to honor in a special manner, as also in arranging for the celebration of particular feasts, nothing should be introduced that savors of the spirit of novelty or has not been approved by the church.**

Art. IV. *The Members of the Congregation*

48. **The members of the congregation may form only one class, not more than two, both subject to the same rules, but after profession it shall not be permissible for members of one class to pass to the other.**

Care must be taken that the difference between the two classes is not such as to form two different congregations. To the first class, that is, to the choir religious, are entrusted the direction and government of the congregation, the training of pos-

tulants and novices, the teaching of literature and arts; to the second, that is to the lay Sisters, the manual and domestic occupations.

49. The members of a congregation cannot be enrolled as members of any other Third Order.

The reason is clear; a person bound by vow to one institution cannot at the same time belong to another; a third order is looked upon as a religious congregation. This applies to both diocesan and other congregations. Moreover, the Third Orders are intended for lay people. The new Codex expressly provides that no religious under temporary or perpetual vows can belong to a third order, even if she had been enrolled before; but if she is ever freed from her vows, the former enrollment revives. (Canon 704.)

50. No congregation can attach to itself a third order; but for its exterior work it can aggregate to itself pious persons of the same sex as the congregation, prescribe them a certain mode of living, and make them sharers of its merits. The founding of a third order is the exclusive privilege of the orders with solemn vows.

51. Priority among the members of a congregation is determined first by the classes, and then by the time of profession or of taking the habit.

According to this principle the following order should be followed:

1°. The Superior General, her assistants, the general officers, the local superior, according to time of their appointment.

2°. The professed of perpetual vows, according to the order of their profession.

3°. The professed of temporary vows, according to the time of their profession.

4°. The choir novices, according to the time of their taking the habit.

5°. The choir postulants, according to the time of their entry.

6°. The lay Sisters of perpetual vows, and of temporary vows, respectively, according to the time of their profession.

7°. The lay novices, according to date of taking the habit.

8°. The lay postulants, according to time of entry.

CHAPTER IV

THE DIVERS STAGES OF PONTIFICAL APPROBATION

We give below the ordinary procedure of the Sacred Congregation of Regulars. The different approbations are all of two kinds: *a* the approbation of a congregation, which includes the decree of praise and of formal approbation, *b* the approbation of the constitutions, first by way of trial, then definitively. The Sacred Congregation in its procedure, however, is not obliged to take these steps in all cases; it may dispense with one or more of them, as the *Normae* insinuate.

Art. I. *Decree of Praise*

52. The decree of praise is the first act of the Holy See, whereby the new Congregation ceases to be purely diocesan. The S. Congregation prefaces its decree with an account of the new congregation, its title, purpose, form of government, and authority of the Superior General and concludes: Our Holy Father N. having considered the letters of endorse-

ment of the Bishops, in whose dioceses exist houses of the Congregation warmly praises and commends the Institution as a religious Congregation. (N. 6.)

Canon Law determines the authority of the Ordinaries in regard to such congregations.

53. This decree of praise is granted, when after a proper lapse of time, the new Congregation has sufficiently expanded and has given proofs of piety, of religious observance and spiritual progress, as the letters of endorsement of the respective Ordinaries must show. (N. 7.)

54. By the decree of praise the Institution is placed directly under the jurisdiction of the S. Congregation of Religious.

After the Holy See has taken the matter in hand, all other jurisdictions are suspended, so that no change can be made without its consent. The institution then remains in this transitory state, and should not apply for a new approbation, until the time required has expired. The S. Congregation does not specify the length of time; perhaps ten to fifteen years would suffice.

ART. II. *Decree of Approbation of the Institution*

55. The decree of approbation will be granted to the new Congregation, when, after the decree of

praise, a rather long experiment will have proved that the Congregation is solidly united, that its constitutions are appropriate and faithfully observed, that the form of its government is right, that its members endeavor to preserve discipline in the bonds of charity within, and zealously fulfil the works of the Congregation without. (N. 9.)

To obtain this a new brief must be sent similar to the one which we indicated above. A report should be added as to the present condition of the congregation, and especially about its development since the first decree was granted. Some copies of the constitutions should be sent with the remarks inserted, according to the instructions of the Sacred Congregation. If difficulties have been encountered in meeting these remarks, they should with humility be pointed out in the petition; no modifications in the text of the constitutions should be made. The Superior General shall again, as in the first instance, solicit new letters of endorsement from the Ordinaries, in whose dioceses the congregation has houses.

56. **By the decree of approbation "Our Holy Father N. considering the abundant and salutary fruits the religious Congregation N. has borne, approves and confirms it under the rule of the Superior General,**

while safeguarding the jurisdiction of the Ordinaries according to the sacred canons. (N. 11.)

57. Although generally a proper lapse of time is required between the decree of praise and the decree of approbation, yet sometimes, though rarely, the S. Congregation may grant at once the decree of approbation. This happens when the new Congregation is so well equipped under every respect, when it presents itself for the first time to the S. Congregation, that there appear no reason to postpone a definite approbation. (N. 12.)

The results of this pontifical approbation will be explained as we proceed.

Art. III. *Approbation of Constitutions by Way of Experiment*

58. In approving Constitutions the S. Congregation usually proceeds in the following manner. If after examination it is found that many corrections are needed, approval is deferred for some time, and meanwhile the S. Congregation will make some observations showing chiefly what corrections, additions or omissions should be made in the Constitutions as presented. (N. 20. a.) If time and use have sufficiently proved the suitableness of the Constitutions, and not many nor important modifications are required, the S. Congregation makes the first correction of the text, and a decree is issued whereby His Holiness approves and confirms the Constitutions so amended

for a certain length of time by way of experiment. (N. 20. a. b.)

After all the preliminary conditions have been fulfilled, and the time fixed has expired, the Superior General will solicit the approbation of the constitutions. The petition must again be signed by the Superior General, the Treasurer General and the Secretary General, and must be accompanied by the amended text of the constitutions, as explained above. If no further serious and numerous modifications are to be made, the congregation inserts *ex officio* any other changes it may deem necessary, after which the Sovereign Pontiff approves and confirms the constitutions by way of experiment.

ART. IV. *Final Approbation of the Constitutions*

59. **After a sufficient experiment, the constitutions requiring only a few changes are finally corrected and definitively approved and confirmed by His Holiness. (N. 20. c.)**

The corrections, that appear reasonable, cannot be made by the congregation itself, after the constitutions have been approved by way of experiment; but a request may be presented to the S. Congregation with solid reasons for the changes.

The request for final approbation is presented to the S. Congregation by the Superior General and her Councillors with letters of endorsement from the Ordinaries. After having obtained the final decree, the Congregation will in the future live its own life, and should faithfully keep the Constitutions, as approved by the Supreme Authority.

Often the S. Congregation in approving Constitutions may proceed in a different way. With the decree of praise it may insert opportune remarks in the text of the Constitutions, which after correction must at a fixed time be presented again. When many corrections are to be made, these are communicated to the institution before the decree of praise is granted; in either the Congregation loses all right to change or correct the constitutions by its own authority, after having obtained the decree of praise. As a rule, the approbation of the Congregation is accompanied by the approval of the Constitutions by way of experiment for a certain length of time. (N. 21. a. b.)

60. **Conclusion.**

The final approbation of the constitutions has the following effects:

1°. The constitutions are entirely withdrawn from the authority of the Ordinary, and of the different Superiors of the Congregation. The right to make changes now belongs to the Sacred Congregation. The approbation of the constitutions, however, does not imply approbation of the directory or of the book of customs, in which changes may be made without referring to Rome.

2°. The other effects are analogous to those produced by episcopal approbation.

CHAPTER V

OF CONGREGATIONS WHO WILL HAVE DIFFICULTY OR EVEN FAIL IN OBTAINING APPROBATION

61. **Congregations desirous of being approved must beware of undertaking a too great variety of works.**

62. **Congregations having no sources of income will not receive either the decree of praise nor of approbation. The decree will be delayed in the case of those who are encumbered with great debt.**

63. **Great precaution will be taken in approving congregations purporting to live on alms. Faithful observance of the decree "Singulari quidem" of March 27, 1896, will be especially recommended to them.**

On the strength of that decree, Sisters of simple vows are forbidden to collect, not only in the diocese in which they live, but in any other diocese, without the consent of their own Bishop and also of the Bishop of the place in which they wish to collect. The con-

sent of both Bishops should be given in writing. Their own Bishop should give his consent only after ascertaining the real need of the house or of the good work, and when the collection cannot conveniently be made by persons designated by the Bishop. The Sisters must go two and two, and should be commendable by their seriousness and age. Their stay out of the convent shall not exceed one month when collecting within their diocese, nor two months when collecting elsewhere.

64. **Special guarantees are demanded of congregations of women, who day and night wait on the sick in their homes, or who take care of the household of poor and laboring families. (N. 15.)**

The *Normae* do not condemn these congregations, but the nature of the work demands special safeguards. The Holy See generally gives these prudent counsels to sisterhoods taking care of the sick in their homes: (*a*) Without serious reasons the Sisters must not wait on the sick outside of their respective cities, *unless they be two*, especially at night; they must demand also a special dining-room. (*b*) They shall never be allowed to wait alone upon men, living in furnished rooms. (*c*) It will be useful to change nurses, in case of a prolonged sickness. (*d*) The Sisters should take their meals together when possible.

65. **Approbation will generally be refused to congregations of Sisters devoting themselves to works which do not seem suitable to them, such as taking direct care of infants or of maternity hospitals. (N. 17.)**

It is easy to understand that such occupations are not quite suitable to Sisters. What is not suitable to a young unmarried lady would certainly not suit a virgin consecrated to the Lord. Similar institutions would expose Sisters to great and unnecessary dangers. But the *Normae* say that they should not take direct care, which leaves us to think that Sisters could take care of such institutions, provided they leave this special work to other persons; on the contrary, immense good is done by the Sisters directing such institutions.

66. **The S. Congregation calls attention to Canon 500 § 3 on the strength of which no congregation of men, can have, without a special privilege, a congregation of women subject to it, or assume and retain special care and direction over it. (N. 18.)**

67. **All of the above concerns only congregations seeking pontifical approbation in the future, not those who have obtained final approbation, after they submitted to S. Congregation their constitutions with the necessary corrections in conformity with the new Code of Canon Law.**

CHAPTER VI

THE SUPPRESSION OF A CONGREGATION APPROVED BY THE HOLY SEE

68. **No congregation, even not approved by Rome and only diocesan, can be suppressed but by the Holy See only, although it may consist of one house only. (Can. 493.)**

This applies to all congregations lawfully founded. If the approved congregation is divided into provinces, it cannot suppress a province or unite it to another without the consent of the Holy See. Duly observing the laws of justice and the will of founders, unless the constitutions prescribe otherwise, the General Chapter or if no general chapter is shortly to be held the Superior General with her Council decide about the property of the extinct Province. (Can. 494 § 2.)

69. **In an approved Congregation the suppression of a house belongs to the Superior General, with the consent of the local Ordinary; in a diocesan Congrega-**

tion the suppression belongs to the local Ordinary, after hearing the Superior General of the Congregation, unless the diocesan Congregation possess only one house. (Can. 498.)

In case of an appeal, to the Holy See, there could be no suppression of any house, until it has decided. Reasons justifying suppression or a request for suppression may be: Want of members, excessive diminution of resources, expiration of contracts, impossibility or uselessness of the secondary purpose.

All of the above applies also to societies, whose members lead a community life, although without vows. (Can. 674.)

BOOK II

Entrance into a Congregation of Simple Vows and Noviciate

CHAPTER I

ENTRANCE

Art. I. *Admission of Postulants*

70. **Besides a true supernatural vocation, and health in keeping with the new mode of life, the Superiors must demand of all candidates a certificate of good behavior and of their free state. (Can. 538–545.)**

a. The certificate of good behavior is given by the Bishop's chancellor, or the pastor, or, if they cannot certify, by other ecclesiastics. The confessor should generally be excused for fear of apparent betrayal of the sacramental seal. *b. The certificate of a free state* is not indispensable, when it is commonly known. *c. As to health* we will remark that certain diseases

should prevent admission into a religious community: contagious and hereditary diseases, such as scrofula, epilepsy, pulmonary troubles, and nervous affections predisposing to hysteria. If there be good reasons to admit a delicate candidate, the Superiors may do so, although they should look first and foremost to the welfare of the community.

71. All aspirants to a congregation must bring a certificate of baptism and confirmation. (Can. 544.)

It would seem prudent, in case the postulants are minors, to require the written consent of parents and especially of guardians in order to avoid future complications.

72. There are two kinds of impediments to admission into a religious community; dispensation from the one is reserved to the Holy See; from the other, to the Superior General with her consultors for good reasons approved of by them.

1. The new Codex makes a distinction between an admission into the noviciate, that would be null and void, and an admission that would simply be illicit.

The following cannot validly be admitted into the noviciate: *a. Those who have belonged to a non-Catholic sect.*[1] *b. Those who have not the age required,* that is

[1] This impediment was officially explained to mean: Those who had fallen away from the faith and had joined a non-Catholic sect.

those who have not completed their fifteenth year. *c. Those who enter religious life, led by violence, grave fear or fraud.* All these outside causes would exclude the full liberty, which the church makes an essential condition for admission. *d. A married woman during the lifetime of her husband. e. Those who are bound or have been bound by the tie of a religious profession. f. Those who for a serious crime have been accused or may be accused, and punishment is pending.*

The following persons would be admitted to the noviciate *illicitly, yet validly: a. Insolvent debtors.* The reason of this is, that as the religious cannot earn for herself, the creditors would be defrauded; the congregation may not take these obligations upon itself. *b. Persons implicated in transactions liable to bring litigation or trouble upon the congregation. c. Children who must help out their parents,* that is, *father or mother, grandfather or grandmother, actually in great need.* The principle laid down in the new Codex refers only to such children whose parents are really in extreme or great need, or who would be reduced to it, if their children became religious, unless they could and wished to be cared for in a charitable institution or the congregation would be prepared to shoulder the burden. The Codex limits this special attention to parents or grandparents

only. An obligation of natural and divine law cannot be set aside for a counsel. *d. Mothers, whose presence is required for the support and education of their children.* In this case again the natural and divine law must have the preference over a personal inclination, however noble it might otherwise be.

73. **The congregations may insert in their constitutions impediments, of which the Superiors General with their Councils can dispense.**

74. **Those who have been in schools or academies, or postulants or novices in another congregation must have testimonial letters from the Superiors of such schools or academies, or from the Superiors, Provincial or General, of such congregation.**

In case of a professed Sister going over to another congregation, after having obtained permission of the Holy See, testimonial letters of the Provincial or General Superior of her former congregation would be sufficient.

75. **Besides these testimonials required by law, the Superiors who can admit the candidate, may demand also such other certificates, as they consider necessary and opportune, before admitting the candidate, especially as regards their character and moral behavior. (Canon 544, § 6.)**

76. **Those who are required by law to give these testimonials, should not hand them to the aspirant, but to the religious Superior, free of charge, and within three months from the time they were applied**

for; they should seal them and in the case of aspirants who have been in academies or postulants or novices in another congregation, the Superior should sign the certificates under oath. (Canon 545 § 1.)

77. If for grave reasons they judge that they cannot answer the enquiring Superior, they must within three months explain the causes to the Holy See.

78. If they answer that the aspirant is not sufficiently known to them, the religious Superior must institute another accurate investigation, and try to obtain a trustworthy report.

79. If they do not answer at all, the enquiring Superior must inform the Holy See of her inability to obtain a reply.

80. In their testimonials, after a thorough investigation, even if necessary through secret agencies, in the discharge of a most conscientious obligation as to the truth, the Superiors must report about the family, morals, mental capacity, conduct, good name, condition, knowledge of the aspirant and also add whether her family needs her assistance. In case the aspirant had been in an academy, or had been a postulant or novice in another congregation, the Superiors should also report whether she was dismissed and for what reasons or left of her own accord.

81. All those to whom the above report is sent are in conscience bound to secrecy in regard to the information received and the persons who furnished it.

Art. II. *The Postulants*

82. **In institutions approved by the Holy See, the Superiors General, or the provincials within their provinces, are entitled to admit postulants, without referring to the Ordinary.**

This principle is one of the consequences of pontifical approbation. The admission of postulants dates back even further than the days of St. Benedict; it was not, however, officially recognized. For good reasons a time has been fixed officially for a trial preceding the noviciate, during which the candidates may consider the obligations that will eventually be placed upon them.

83. **In congregations of perpetual vows a period of at least six whole months is prescribed.** (Canon 539.)

According to the new Codex the Superior General could extend the time of postulancy, but not beyond another six months; after that the postulant should be admitted to the noviciate or be dismissed. The Superior cannot shorten the minimum, not even for the young ladies educated in their houses. In congregations of temporary vows the constitutions should provide and be followed, for what regards the necessity and the time of postulancy.

84. **The postulants should spend their time of probation in the house of the noviciate; the Superior General could, however, designate another house, provided it contained a sufficient number of Sisters for the regular observance, and that the postulants be placed under the direction of an experienced Sister. (Can. 530 § 2.)**

During this period of trial the postulants will receive a copy of the constitutions, and will endeavor to know well their future obligations. The Superiors must be on their guard against certain abuses, as, for instance, to call postulants to the mother-house to give them the habit, and after a sojourn of two or three weeks send them off to some other house to have them fill some position. This would be exposing vocations to serious danger.

85. **A retreat of at least eight days will precede the entrance into the noviciate.** (Canon 541.)

86. **If the confessor thinks proper, the postulants may make a general confession.**

87. **The Superior, or Mistress of Novices, cannot require any account of conscience from the postulants.**

This applies to novices and postulants alike. The Code, however, does not forbid subjects to open their hearts freely to the Superiors. On the contrary, it may be to their advantage to approach

their Superiors with filial confidence. (Can. 530 § 2.)

88. Before entering the noviciate, the postulants can enter into an agreement with the Superiors and their parents or guardians, as to defraying the expenses up to the time of their profession.

89. In diocesan congregations the right of admitting candidates belongs to the Bishop.

The reason of this is that the Bishop is the Superior General of these institutions. If, however, the Bishop, when approving the constitutions, had ceded this right to the Superiors, he could not reclaim it without good reasons. In this case, if the congregation possesses but one house, its Superior has the right to admit subjects; if it has houses in various dioceses, this right would belong to the Superior General. The other prescriptions enumerated above do not concern diocesan institutions; it would be well, however, to put them in practice, to facilitate pontifical approbation, the more so as Rome wishes the Ordinaries to follow the *Normae* in drafting constitutions submitted for their approval.

CHAPTER II

THE NOVICIATE

ART. I. *Conditions Required for Entrance into the Noviciate*

SEC. 1. *Canonical Age*

90. No candidates can be admitted to the noviciate who have not completed their fifteenth year. (Can. 543–1°.

SEC. 2. *The Examination of Postulants*

91. The Bishop has the right, granted to him by the Council of Trent, to examine postulants and novices before they are admitted to the habit or to the profession, in diocesan congregations as well as in those approved by the Holy See. (Can. 552.)

The object of this prescription is to secure full liberty for the young ladies, and prevent parents from forcing their daughters into the convent. Canon law (Can. 2352) not only excommunicates those who should force a woman to enter a reli-

gion, but prescribes that each postulant before taking the veil, or a novice before making her vows, shall be examined by the Bishop or his delegate, to determine whether or not she has been forced or unduly influenced, and whether she acts with full knowledge of the step she is about to take. No other questions are required. (Can. 552.)

92. **The Superiors must inform the Ordinary of the proposed ceremony at least two months in advance. (Canon 552 § 1.)**

In case of negligence on the part of Superiors the Ordinary has a right to punish them, even without previous warning. Considering the seriousness of the offence, he could, if he thinks proper, deprive the Superior General of her office, if she neglect to inform him in time of an admission to the noviciate or to profession. (Canon 2412, 2)

93. **Neglect of examination does not, however, render null the taking of the habit or making profession.**

Sec. 3. *The Right to Admit into the Noviciate*

94. **In diocesan congregations the right to admit candidates into the noviciate belongs to the Bishop.**

95. **In congregations approved by the Holy See, the right to admit candidates to the habit belongs to the Generals of the congregations with the consent of their councils.** (Canon 543.)

To determine the right of the congregation or of the community in admitting candidates, the constitutions must be followed.

The admission of candidates involves a great responsibility on those who decide, whether it be the community or the Superiors. It is equally culpable to admit unworthy candidates, as to reject worthy ones.

96. **The same Superiors have the right to expel either postulants or novices.**

Sec. 4. *The Dowry of a Religious*

97. **A dowry is required of every candidate for profession. The amount is fixed by the Sacred Congregation of Regulars, when it approves the constitutions.** (Canon 547.)

The dowry is an amount of money or its equivalent given to the convent, to enable it to take care of the religious during life. The Holy See when approving the constitutions determines the amount; according to the present practice of the Sacred Congregation it cannot be less than 300 francs ($60). If the Holy

See should not have fixed the amount, the Superiors could supply the omission.

98. **The dowry must be uniform for all the Sisters of the same rank in a convent), but less is required of the lay Sisters.**

As the Constitutions must stipulate the amount of dowry required, they should make a difference between choir and lay Sisters.

99. **In approved congregations the amount of the dowry cannot be lessened nor be dispensed with, without the authorization of the Holy See. (Canon 547 § 4.)**

This point is always inserted in the constitutions, submitted to the approval of the Holy See. The Sacred Congregation sees in it a *quasi-alienation* of church property, and for that reason requires its consent to dispense with it. If it is forbidden to the Superiors to dispense with the dowry, or remit it in part, the Ordinaries have no right to authorize them to do so. Rome has time and again protested against this; the contrary practice cannot, therefore, have the force of law. In diocesan congregations the permission of the Ordinary would be required to dispense in whole or in part with the dowry.

100. **The Constitutions should provide that the dowry be made over to the convent at the time of taking the habit, or at least be guaranteed in a validly legal form.**

Values, such as titledeeds, stock, obligations, are at present considered as cash. At the time of taking the habit, a guarantee must be given that the cash shall be paid before the novice takes her vows.

101. **The dowry is inalienable, and must be securely invested; it does not become the property of the congregation until the death of the Sister, although she had taken only temporary vows. (Canon 549.)**

The reason of the first part is that the dowry remains the property of the Sister until her death, and must be returned if she leaves. It cannot, therefore, be used up for buildings or for a new foundation. If necessity compelled the congregation to use it, the consent of the Holy See must be had, and in that case the congregation would be bound to replace the dowry. The contrary practice is not legitimate. The Superior General should be punished, even, if necessary, with privation of her office, if she dared to spend in any way the dowry of the young ladies received. (Canon 2412, 1°.)

Besides the dowry, the Sister may donate to the convent any other revenues she pleases, but this

donation will take the form of a contract, which by the acceptance of the other party becomes irrevocable. She could not therefore claim it, if she were to leave the convent.

102. **In case a Sister leaves the convent, the dowry must be returned to her, but without interest. (Can. 551.)**

103. **In diocesan institutions the Bishop can fix the amount of the dowry.**

For these also it will be well to follow the general prescriptions, especially for what concerns the inalienability of the dowry.

Art. II. *Canonical Conditions for the Noviciate*

104. **The canonical noviciate begins with the taking of the habit in the house in which the noviciate is located or in any other way prescribed by the constitutions. (Canon 553.)**

105. **The Sacred Congregation does not approve that, where a two years' noviciate is prescribed, the habit be given at the beginning of the second year.**

Sec. 1. *Duration of the Noviciate*

106. **One whole and continuous year is required for the validity of profession. (Canon 555 § 1–2.)**

When in a congregation a two years' noviciate is prescribed, the *Normae* recommended that the

first and regular year be devoted entirely to the spiritual and religious formation of the novice. For the second year, application to study or to the other works of the congregation was permitted, but as far as possible at the house of the noviciate. The constitutions should determine whether the profession shall take place at the expiration of the first year or not. In many Congregations the constitutions prescribe a two years' noviciate, and the Superiors are authorized to employ the novices in the works of the Congregation during the second year. Lest the religious formation of the novices suffer and abuses creep in, the S. Congregation of Religious by order of H. H. Benedict XV at an audience of June 25, 1921, has issued an instruction, with the following interesting points:

1°. When the constitutions prescribe a second year and allow that the novices be employed during that year in the various and proper works of the congregation, this is permissible, yet so that the fundamental laws of the noviciate be observed. Special care must be taken of the religious formation above all other occupations.

2°. This employment should only have in view the training of the novices; therefore they cannot

be employed independently, but under the direction and watchfulness of a serious religious, who can guide them by word and example.

3°. If during the second year the novice is sent to another house than that of the noviciate, this should be by way of exception and for serious reasons. The only valid reasons must be on the part of the novice, such as, because she cannot be properly trained in the house of the noviciate, or because she cannot stay there any longer. Need or usefulness of the house cannot be a valid reason; so, for instance, want of sisters is not a sufficient cause why novices should take their places.

4°. Whether the novices are employed in the house of the noviciate or outside, they must abstain from such external work during the two months preceding profession. If they be outside, they must be recalled to the house of the noviciate, that strengthened in their vocation they may prepare themselves during the entire two months for their profession.

107. **The year of the noviciate must have expired.**

To remove anxiety and doubt concerning the validity of profession, the Sacred Congregation of

Religious has decreed that the full year of noviciate required shall be computed not from hour to hour, but from day to day.

108. **The year must be continuous, that is, not interrupted.**

Canon 556 of the new Codex clearly explains when the noviciate is interrupted and must be begun over again and when it is not.

1°. The noviciate is interrupted and must be begun over again in the following circumstances: 1° — if the novice had been dismissed and actually left the house, 2° — if the novice, without the permission of the Superior, left the house with the intention of not returning; 3° — if the novice remained out of the house for any reason, with the intention of returning and with the consent of the Superior, for more than thirty days whether continuous or not.

2°. If the novice were out of the house for more than fifteen days, but not more than thirty, even non-continuous and with the permission of the Superiors and under their obedience, it would be sufficient for the validity of profession to prolong the noviciate by the number of days, during which the novice was absent.

3°. If she was away for less than fifteen days, the Superior may prolong the noviciate with an equal number of days, but it is not necessary for the validity of profession. The Superior, however, should not grant permission to remain out of the house, except for just and serious reasons.

4°. If the novice is sent by her Superiors to another noviciate of the congregation the noviciate is not interrupted.

109. No Superior has the right to abridge the time of the noviciate fixed by the constitutions.

This is a consequence of the approbation of the constitutions, which does not authorize a Superior to dispense from their prescriptions.

110. When the time of the noviciate has expired, the Superiors must admit those whom they consider suitable to religious life, or else dismiss them. (Council of Trent, c. 16. Codex 571.)

If the novice has fulfilled the conditions she has a right to be admitted. If any doubt remains as to whether the novice is suitable to the congregation or not, the Superior General could extend the time of the noviciate for a period not exceeding six months, when the novice must be admitted to profession or be dismissed.

111. In strictly diocesan congregations the Bishop, as first Superior, has the right to fix the duration of the noviciate, also of extending or abridging it when Constitutions prescribe more than a full year.

As there are no positive laws about it, the Bishop will adopt the universal practice of the church.

Sec. 2. *The Place of the Noviciate*

112. In approved Congregations the choice of a house for the noviciate must be approved by the Sacred Congregation, and the novices should spend there the whole time of their probation. In diocesan Congregations the Constitutions should provide. (Can. 554 § 1.)

113. It is not at all required that the house of the noviciate be the residence of the Superior General.

Although it would seem preferable that it be at the same time the mother-house and residence of the General, yet it is not obligatory, unless the constitutions so provide.

114. The congregation need not limit itself to one noviciate.

The following reasons would indicate, however, that unity of noviciate would be preferable. 1°. To prevent division, which may easily result from the different training given in the vairous houses. 2°. Numbers and good example singularly develop

the good disposition of the candidate. 3°. Unity of noviciate will contribute to greater uniformity, and inculcate the true corporate spirit, so useful and necessary to the welfare of the congregation.

It may happen that a congregation has houses in far-off countries, or in countries where different languages are spoken. In these cases the necessity of more noviciates is evident. Only one noviciate is allowed in each province, if the congregation be divided into provinces; there could be no second noviciate without a grave reason and without a special indult of the Holy See. (554 § 2.)

115. The erection of a new noviciate, or the transfer of an existing to another locality, cannot be effected without the permission of the Holy See.

116. For diocesan congregations, the constitutions, approved by the Ordinary, must be followed in this matter, as the Holy See has made no provisions for them.

Sec. 3. *Discipline and Exercises of the Noviciate*

117. During the noviciate, the novices shall always be under the care and direction of their mistress; they shall dwell apart from the professed, with whom

they shall have nothing in common except the choir, the church, and the refectory during meals.

Hence the following consequences: 1°. Never shall the novices be allowed to accompany a professed Sister outside. 2°. The professed shall not take part in the recreations of the novices. 3°. The Superiors alone may have access to the noviciates, without the permission of the mistress of novices, but they must be accompanied by one of the older members of the community. 4°. No professed should be sent to the noviciate for a penance.

118. **From the beginning of their noviciate, the novices must be given a copy of the constitutions.**

It is necessary that the novices should read and consider them, to be penetrated with their spirit and be able to judge for themselves whether or not their strength will permit the binding of themselves by vow to their observance. Besides studying the constitutions and hearing the spiritual conferences, the novices must devote to mental prayer the time allotted for it, each according to her capacity and the method indicated by the mistress of novices. The lay Sisters may be occupied with domestic work, in such manner, however, that their religious training will not suffer by it.

119. During the noviciate, the novices may not bind themselves by any vows.

This prohibition applies to the vows of religion. As to particular and devotional promises, they shall be guided by their confessors.

120. As a matter of justice, the novices are not obliged to observe the constitutions, but they are obliged to keep them as a matter of propriety.

They are not bound by justice because they have made no vows, and are not religious; but it is proper that they should keep them to try their vocation, and train themselves to the virtues and obligations of religious life. Yet the novices are subject to the authority of the mistress of novices and the Superiors of the Congregation and they are obliged to obey them. (Canon 561 § 2.)

121. A novice can leave at any time to return to the world even without the permission of the Superior.

Her justification or her guilt will depend upon her motives and the dangers of losing her soul, to which she may have exposed herself.

122. Although the Superiors have not, properly speaking, any jurisdiction over the novices, at least in non-exempt communities of simple vows, they have, nevertheless, a right of directing.

On the strength of this right they may inflict disciplinary punishment, submit them to the necessary trials in order to convince themselves of their vocation, or even dismiss them, if they do not give satisfaction.

123. The novices, the same as the professed, generally partake of the spiritual privileges and favors granted to the congregation.

In this respect novices are considered as religious. They can gain the same indulgences as the professed, unless otherwise stipulated in the grant; they are exempt from parochial jurisdiction the same as the professed, so that the chaplains can give them Easter communion in their own chapel and administer to them the last sacraments. In case of death they have a right to the same suffrages as the professed Sisters. (567 § 1.)

Sec. 4. *Disposition of Property*

124. Before taking simple vows, whether temporary or perpetual, the novice must cede the administration of her property to whomever she pleases for the time during which her vows shall be binding. (569 § 1.)

Canon law does not fix the time for this disposition. It should be done after the novice has been accepted for profession by the congregation,

leaving sufficient time for the requirements of the civil law. Unless the constitutions provide otherwise the novice must dispose at the same time of the use and usufruct of her property.

If this cession or disposition had been omitted at the time of profession, for the reason that the novice had no property, and if she came afterwards in possession of some, or if the cession had been properly made, but if she came in possession of other property, the cession or disposal could be made, as above, even after the novice had made her vows.

125. Full liberty must be left to the novices in disposing of their property.

No pressure direct or indirect should be resorted to, to limit the right of the novices to dispose freely of their property, to indicate persons that should be favored, or to induce them to give part or all of it to the community. A disinterested advice, especially when solicited, may be given.

126. The Sacred Congregation does not approve the renunciation of property, made by the novices, in favor of the congregation.

The novice has undoubtedly the right to dispossess herself of all the property of which she is

the lawful owner; but the Sacred Congregation prefers that she should not do so, as a further guarantee of her liberty. In any case, donations should only be made *conditionally*, that is, to be valid only during her stay in the congregation. Unconditional donations, however, would be valid and irrevocable.

127. **Whatever the novice brought must be returned to her at her departure, except the money advanced for the noviciate, if, before entrance, an indemnity was agreed upon to defray expenses up to the time of profession.**

BOOK III

Profession and the Obligations it Imposes

CHAPTER I

THE VOWS IN GENERAL

Art. I. *Preparation for Profession*

128. **The profession shall be preceded by a retreat of at least eight days. (Canon 571 § 3.)**

129. **Before profession a new examination of the novices by the Ordinary is required.**

Art. II. *Number and Duration of Vows*

130. **The vows are the three essential vows of religion, viz., poverty, chastity, and obedience, to which no fourth vow may be added.**

131. **Virtue to a heroic degree may be the object of a special vow, limited to heroism in particular circumstances.**

Christian perfection, which is the purpose of religious life, does not exclude heroism of virtues; that is why it may be the object of a special vow, admitted by the Sacred Congregation; so recently the Sacred Congregation permitted the Sisters of Charity of St. Ann at Saragossa to devote themselves by special vow to the service of the pest-stricken.

132. **The vows, taken in a congregation of simple vows, are first temporary, then perpetual.**

Ordinarily temporary vows are made for a period of from three to five years, before making the perpetual vows, according to the prescriptions of the constitutions as approved by the Holy See. According to the Code, the vows are at first taken annually for a period of three years. After that, the constitutions may prescribe another three years of temporary vows, to be renewed annually or to be taken for the whole period. No sister can validly take perpetual vows, until she has completed her twenty-first year; dispensation from this condition is reserved to the Holy See.

133. **The Superiors have no right to abridge, on any account whatsoever, the period of temporary vows, as established by the constitutions approved by the Holy See.**

This is also one of the results of pontifical approbation. Whether it be to send a subject on the missions, or even to afford consolation at the point of death, all diminution of that period is unlawful, and the profession would be invalid; moreover, it is entirely unnecessary as temporary vows give members a share in the merits and privileges of the congregation. The temporary vows preceding the perpetual vows must be taken for at least three years, either annually or at once, or if more than three years will elapse before the novice attains her twenty-first year the temporary vows may be taken at once for that whole period, or renewed annually, as the constitutions may prescribe. The lawful Superior can extend this time, but for not more than three years. (Canons 573 and 574.)

Art. III. *General Remarks about the Vows*

134. The constitutions must treat of each vow in particular, and make clear the distinction between the vow and the virtue.

All confusion must be avoided as regards the obligations imposed by the vow, so as to prevent the formation of a false conscience, causing one to commit formal sin when the matter is not sufficiently

grave. A thorough distinction should be made, for instance, between the vow and virtue of poverty; all the more so as the virtue of poverty is not a distinct virtue; the virtue of obedience will most frequently be the virtue of humility.

135. **Dispensation from the three vows of obedience, chastity, and poverty, whether temporary or perpetual, made in congregations approved by Rome, is reserved to the Holy See.**

More will be said about this when we treat of the dispensation of vows.

CHAPTER II

PROFESSION

ART. I. *Nature of Profession*

136. **Profession is an act by which a novice consecrates herself to God by taking the three vows of poverty, chastity, and obedience, conformable to the rule or the constitutions in a congregation approved by the church, under the authority of the Superiors receiving them.**

137. **Hence it follows that the profession is a bilateral contract.**

A contract is bilateral when two parties pledge themselves towards one another. Such is the contract of profession; the novice pledges observance of the three vows of poverty, chastity, and obedience according to the constitutions of the congregation; the congregation, on the other hand, by acceptance ratifies this gift. Hence arise reciprocal rights and duties.

138. **The profession of temporary vows has the same effects, at least pending the term of these vows.**

ART. II. *Conditions Required for the Validity of the Profession*

139. **The profession must be free from all impediments which would render it null and void.**

140. **The profession cannot be made before the completion of the sixteenth year of age. (Council of Trent, sess. XXV., c. 15. Canon 572.)**

It is generally admitted that the time must be calculated mathematically; if anything be wanting the profession is null. If the constitutions of a particular congregation require a more advanced age, the profession would not be null, unless the constitutions *formally* declare it to be so.

141. **The profession must be preceded by a noviciate of one year. (Council of Trent.)**

This is the general rule, but if the constitutions prescribe more, the profession, made before the expiration of that time, would be valid, unless the constitutions formally mention the contrary.

142. **Free consent on the part of the professed is required.**

Hence it follows that if the novice has no intention of making profession, or is ignorant of the essential obligations it imposes, or is under the influence of

grave and unjust fear, the profession would be null and void. The newly and invalidly professed Sister could not, however, leave the congregation before the defect of free consent is proved, on account of the serious inconveniences of a contrary course.

143. **The profession must be received by the lawful Superior.**

The constitutions must determine what Superior shall receive the profession, at least in congregations approved by the Holy See. In diocesan congregations this right belongs to the Bishop.

144. **The one making the vows cannot attach any condition contrary to the substance of the vows, or to the religious state.**

The profession would be void, if, at the time of making it, one reserved the right to leave when she pleased, or when she found herself unable to keep the regular observance, or to live according to her whims, or to dispose of her property as she wished.

Art. III. *Ceremonial and Formula of Profession*

The ceremonial of profession, as prescribed in the constitutions must be followed.

The following is the usual ceremonial, as prescribed by the Sacred Congregation of Rites, dated August

27, 1894. If the profession takes place during Mass, the celebrant, after having taken the Precious Blood, and after the Confiteor and the other prayers have been recited, turns toward the kneeling candidate, holding in his hand the Sacred Host. The candidate reads the formula of the vows and immediately receives Holy Communion. If there are many candidates, each one must read the formula in a clear and intelligible tone. This decree of the Sacred Congregation of Rites only applies to those institutions in which the profession takes place during Mass. Profession may be made, however, at some other time and place. It may probably be made also after the Gospel; the approved constitutions should decide this point.

145. **The formula of profession must in its integrity be inserted in the constitutions, and must be the same for the choir religious as for the others, with the modification as "choir Sister or lay Sister."**

146. **This formula must be simple and clear; it must express that the candidate gives herself, according to the constitutions of the congregation, by taking the three vows of poverty, chastity, and obedience, whether they be temporary or perpetual.**

As explained above, the Formula must exclude any other vow.

147. **The formula must indicate that the profession is made into the hands of the Superior or her delegate, who accepts it in the name of the congregation.**

The right to receive belongs to the congregation. The offer of self is not made to the Bishop or to an officiating priest. The Sacred Congregation directs that the profession be made to the Superior General, not to the Bishop. The Ordinary or his delegate need not be present at the two ceremonies of taking the habit and making the vows, as is done in numerous congregations of women. When the ceremonies are presided over by the ecclesiastical Superior or his delegate, he assists merely as a minister of religion or a friendly witness. *In diocesan congregations*, on the contrary, the formula of profession must make mention of the Bishop of the place, because he is the Superior of the houses founded in his diocese.

148. **The formula must mention also the length of time for which the vows are made, whether they be for one year, three years, or for life.**

149. **The act of profession shall be inscribed in the register of professions and be signed by the Superior General or her delegates and by the newly professed. (Canon 576.)**

This will be an authentic proof of the profession and of its validity. If a lay Sister is unable to write, the constitution of Clement VIII, "Cum ad regularem," prescribes that she affix the mark of a cross, in the presence of two witnesses, who were present at the profession.

Art. IV. *Renewal of Vows*

150. The time of the temporary vows having expired, they must be renewed without delay. (Canon 577.)

Superiors are allowed to permit for a just cause that the renewal of temporary vows be anticipated, but not by more than one month. This renewal is of great importance, as it is not right that those who are qualified and desirous to continue in their vocation should be without vows for any length of time.

151. This renewal must be made publicly, and an authentic registration made of it.

A special register shall be kept in which this act shall be duly entered and properly signed by the Superior or her delegate, and the one renewing the vows.

152. This legal renewal of vows should be carefully distinguished from the mere devotional renewal.

The first must be made as soon as the time of the temporary vows has expired; the second may be made several times a year on days specified by the constitutions.

The legal renewal is the authentic confirmation of the contract of the first profession. If the first contract was null and void on account of some impediment, the second could not be a confirmation and would not be any more valid than the first. The mere devotional renewal is a proof of the good dispositions of the Sister towards God, with whom she desires to remain united.

153. **The renewal of the vows, during Mass, shall be made in the same way as the profession.**

The Sacred Congregation has sanctioned the ceremonial of the renewal of vows by its decree of April 27 (1894). It is analogous to that of profession, with the following two exceptions: 1°, the priest does not turn to the religious making the renewal; and 2°, if there should be many to make the renewal, they read the formula, not separately, but all together.

Art. V. *Invalid Profession*

154. **The invalidity of profession may be caused either by the candidate or by the congregation, or by both.**

1°. The new Codex provides that if a profession is null and void, on account of an external defect, it cannot be revived by any subsequent acts, but a recourse must be had to the Holy See; or otherwise, after the parties concerned have become aware of its nullity, and after the impediment has been removed, the profession may be made over again.

2°. When the nullity of profession proceeds from both the candidate and the congregation, a new consent of both parties is necessary, and the profession should be made over again.

3°. If the profession was null and void on account of the merely internal defect of consent, the profession would be revalidated by the giving of that consent, provided the consent on the part of the congregation had not been revoked. (Canon 586.)

155 **The profession may be null on account of an impediment which continues to exist.**

In this case either the impediment may be taken away and then the Superiors and the candidate should consider the course to follow for the welfare of the congregation and of the subject; special care should be taken to avoid scandal, if the impediment is not notorious. Or the impediment cannot be removed and then the Superior has the right

to dismiss the subject, who would be freed from all obligations.

156. **The noviciate, which was made according to canon law, but followed by an invalid profession, need not be repeated.**

In this case the novice did what canon law demanded of her, and no law compels her to begin over again. The case would be different if the profession had been null on account of a defect in the noviciate.

Art. VI. *Profession at the Point of Death*

157. **To remove all doubts in this important matter and for the good of souls, His Holiness Pope Pius X, in an audience granted to the Cardinal Prefect of the S. Congregation of Religious, on September 3, 1912, granted to all religious congregations the privilege of admitting to profession all novices, who in the judgment of a doctor are so seriously ill as to be considered in articulo mortis, on condition (a) that such novices have canonically begun the noviciate; (b) that the Superior who admits the novice to profession be the person who actually rules the house of noviciate; (c) that the formula of profession be the same as that used in cases outside of sickness but without determination of time or perpetuity.**

158. **The person who makes such profession shall participate in all the indulgences, suffrages and favors, which are obtained by all really professed religious who die in the Institute and to her also a plenary indulgence and remission of sins in Jubilee form is granted. Besides these favors the profession shall have no other effect.**

Hence it follows: That if the person recover before the expiration of her noviciate, she shall be in exactly the same condition as if no profession had been made: (*a*) she may return to the world if she so desire; (*b*) the Superiors may dismiss her; (*c*) the whole period of the noviciate must be completed; (*d*) at the completion of this a new profession, in case of perseverance, must be made.

Art. VII. *Effects of Profession*

159. **Profession grants several spiritual favors.**

The religious who belong to the orders of solemn vows, but who take at present but simple vows, such as Benedictines, Carmelites, etc., can gain the indulgences of the order, to wit: a plenary indulgence at the time of taking the habit and of making profession, after the retreat of ten days, at the point of death, etc. The congregations of simple vows, after

at least having received the decree of praise, may, by applying for them, obtain the same favors.

160. **Profession of the three essential vows, made in the state of grace, can remit all punishment due to sin.**

This is the teaching of St. Thomas, who proves it by the fact that profession is the entire consecration to God of self and of all belonging to one for the love of Him.

161. **All vows made before religious profession are suspended, as long as the one who made them remains in the congregation. (Canon 1315.)**

Hence follows that, if the sister were to leave the congregation for any reason whatsoever, these vows would revive and be binding again.

162. **Profession gives certain rights in the congregation.**

Profession, according to the constitutions, regulates the rank of the professed Sister, gives them a right to vote and be elected, etc.

163. **Profession withdraws the professed Sister from parental authority.**

Parents who with the assistance of the civil law oblige their children, who are still minors, to leave

the convent, would be guilty of a grievous mortal sin.

164. **Profession imposes on the professed certain obligations.**

These may be reduced to the following principal ones: 1°. The obligations flowing from the nature itself of the religious state. 2°. The obligations imposed by the vows. 3°. The obligations imposed by ecclesiastical law. We will treat of each separately.

CHAPTER III

OBLIGATIONS FLOWING FROM THE VERY NATURE OF THE RELIGIOUS STATE

ART. I. *Obligation to Tend towards Perfection*

165. **All religious are obliged to tend towards perfection.**

The religious state is of its nature a continual tendency to perfection, that is, to the union of the soul with God through charity. This obligation consists, 1°, in applying one's self in a general way to avoid sin, even a deliberate venial sin, and to practice virtue, and 2°, in a more particular way, to tend *continually* to perfection by using the proper means to the end, viz., observance of the vows and of the constitutions, and entertaining the highest regard for perfection.

166. **The obligation of tending to perfection is probably not distinct from the obligation of observing the vows and the constitutions.**

The religious does not pledge herself to any other perfection than that to be attained by the faithful observance of the vows and constitutions. A sin against the vows or the constitutions will not be a double sin.

167. **The disposition of a religious to avoid only mortal sin does not of itself constitute a mortal sin.**

This disposition, however faulty it is, does not prevent a religious from fulfilling the essential duties of her state, and may proceed from other sources than formal disregard for perfection.

ART. II. *Obligation of Observing the Constitutions*

168. **All and every religious, superiors as well as subjects, must not only keep faithfully and entirely their vows, but they must also arrange their lives according to the constitutions of their congregation, and so tend to perfection. (Canon 593.)**

The constitutions are the means not only to attain religious perfection, but also the particular end of the congregation. The congregation is entitled to the cooperation of all for the common welfare, which can only be obtained by the faithful observance of the constitutions. They do not ordinarily bind under sin, still they are not merely counsels, but

true laws. A grievous sin, however, could be committed if the transgression implied a formal contempt of the law. Generally a transgression will mean a venial sin, as its cause is some unruly passion. If the cause be honest, such as necessity, charity, etc., there would be no fault, as the constitutions are not supposed to be binding in such cases.

169. **Generally the constitutions do not bind in virtue of the vow of obedience.**

The religious does not make the vow to obey the constitutions, but to obey according to the constitutions. This means, not that one acts against the vow, if she transgresses the constitutions, but that the Superior has the right to command, in virtue of the vow of obedience, whatsoever is explicitly or implicitly conformable to the constitutions. If the command implies authority, not conveyed by the constitutions to the Superior, disobedience will not constitute a sin against the vow.

Art. III. *Obligation to Persevere in the Religious State*

170. **Each religious, under either temporary or perpetual vows, is obliged to persevere in her vocation.**

Very grave reasons are required for a religious to apply for a dispensation from her vows. The Bishops and the Holy See are the judges of these motives. Two reasons are generally conceded to be lawful to apply for a dispensation, to wit: need of parents and sickness. The last, however, will rarely be a sufficient cause.

CHAPTER IV

ABOUT LEAVING THE CONGREGATION

171. A religious may leave her congregation either with the approval of the competent authority, or of her own will, or finally by compulsion.

Art. I. *Lawful Egress*

Sec. 1. *Joining Another Congregation*

172. **No religious can join another congregation without the authorization of the Holy See.**

It would appear proper that before applying for a dispensation, the Sister acquaint the Superior General with her desire; her rights acquired by profession should not be overlooked.

A religious joining another congregation, after having obtained the authorization of the Holy See, must begin her noviciate over again.

During her noviciate her vows remain binding, while her particular rights and obligations in her former congregation are suspended. She must obey

her new Superiors and even the mistress of novices, in virtue of her vow of obedience. In case she does not persevere and make her profession in her new congregation, she must return to the former, unless she was under temporary vows and the time had expired.

If a professed sister under perpetual vows join, with due permission, another congregation, after completion of the noviciate she takes at once perpetual vows, or must return to her former congregation. The Superiors, however, have a right to try her for a longer period, but not for more than one year after completion of the regular noviciate.

From the time of the new profession all connexion with the former congregation ceases, and the Sister assumes all the rights and duties of the new congregation. The congregation, which she left, retains whatever it had already acquired on account of the sister, but the dowry with its non-matured interest and all personal property, if any, must be handed over to the new congregation.

Sec. 2. *Dispensation of Vows*

173. **In diocesan congregations, the Bishop can dispense from temporary and perpetual vows, except the vow of perpetual chastity.**

The proper Bishop is the one in whose diocese the residence of the religious in question is located, not the Bishop of the mother-house. The restrictions in regard to the vow of chastity refer to the vow of perpetual chastity made unconditionally, after completion of the eighteenth year.

174. In congregations approved by the Holy See or which have received the decree of praise, the right to dispense from temporary or perpetual vows is reserved to the Pope.

175. This reservation applies not only to the three ordinary vows, but also to a fourth, if, by exception, it has been accepted by the Holy See.

176. The Sister herself applies for a dispensation of her vows, or the Superior General in the Sister's name.

Charity may induce the congregation to endorse, if necessary, the Sister's request for a dispensation.

Sec. 3. *Secularization*

177. Secularization is an act by which a religious, after having obtained the authorization, is withdrawn from the authority of the Constitutions and of the Superiors and returns to the world.

It may happen that exceptional circumstances oblige a professed Sister to break her profession engagements, without any fault of hers; such may

be: ill-health, a violent persecution. Secularization may be either temporary or perpetual.

178. **The Holy See alone can grant secularization to members of congregations approved by it.**

The reason is that the Superiors cannot, of their own authority, grant to their subordinates permission to stay indefinitely out of the convent, nor dispense them from observing the constitutions; more so, since secularization is generally accompanied by a dispensation of the vows. For *diocesan* congregations the right to authorize secularization belongs to the Ordinary.

179. **The indult of perpetual secularization dissolves the bond between the congregation and the secularized religious.**

Consequently the congregation is absolved from all obligations towards the religious, and she, on the other hand, is no longer bound by the constitutions, nor by her vows, if she has obtained a *dispensation.* If ever she desires to return, the Superiors shall decide whether the constitutions and circumstances justify a new reception. The religious secularized *only for a time* is bound by her vows and the obligations of religious life, in as far as she is able to keep them; at the expiration of the time fixed in the indult they

not only have a right, but are obliged to return to the congregation. Those who leave the congregation, either after expiration of their temporary vows, or after obtaining an indult of secularization, or after dismissal, have no claim for their work in the congregation. If a religious has been received without a dowry, and cannot otherwise provide for herself, the congregation must give her for charity's sake what is required that she may in a safe and convenient way return home, and also provide that for a certain time, to be determined by mutual consent, or in case of dissent by the Ordinary of the place, she may live honestly.

Art. II. *Illicit Egress*

180. **Illicit egress does not dispense the religious from her vows, or from the obligations imposed by the constitutions.**

A religious may leave the congregation illicitly as an apostate, or as a fugitive. The new Codex makes the following distinction between an apostate and a fugitive religious. An apostate religious is one under perpetual vows, who unlawfully leaves the convent with the intention of not returning, or one who lawfully leaves the convent, but does not return with the intention of withdrawing herself from religious obedience. The wicked intention of not returning is pre-

sumed in law, when the Sister does not return within a month nor has manifested to the Superiors her intention of returning. A fugitive religious is one who leaves the convent, without the permission of the Superiors, but with the intention of returning.

181. An apostate or fugitive religious is obliged to return to her congregation and submit to the punishments inflicted by the constitutions or by her Superiors.

Canon law does not prescribe any special punishment for such religious; the constitutions of each congregation should determine the point; in their defect, the Superiors should provide. The religious should hasten their return, because as long as they are outside they are in the state of mortal sin.

The Superiors also are required to search for the fugitives, and to do all in their power to bring them back, that they may by penance expiate their fault.

Art. III. *Necessary Egress*

Sec. 1. *Dismissal*

182. Are considered as lawfully expelled by the fact itself:

1°. Religious who openly apostatize from the Catholic faith.

2°. Those who run away with a man.

3°. Those who attempt to or contract marriage, although it be only a civil marriage.

In the above cases the Superior General has simply to declare the fact, but she should see to it that

the proofs be properly entered upon the registers of the house.

183. **In Diocesan congregations the Ordinary of the place, in which the house is situated, may dismiss Sisters under temporary vows, but he should not use his right without the knowledge or against the just opposition of Superiors. (Canon 647.)**

In congregations approved by the Holy See, such Sisters may be dismissed by the Superior General with the consent of her Council, as manifested by a secret ballot.

184. **Superiors and Ordinaries should consider it a serious matter of conscience, and cannot dismiss a Sister under temporary vows, except under the following conditions:**

1°. The causes for dismissal must be grievous.

2°. The causes may proceed from the part of the congregation or of the religious. Such want of the religious spirit, as is a scandal to others, is a sufficient reason for dismissal, in the event that repeated warnings together with a salutary penance proved useless. Sickness is no reason, unless it be certain that it existed prior to the profession and that the Superiors were fraudulently kept in ignorance of it.

3°. Although the reasons for dismissal must be clearly known by the Superiors, it is not required that they be proven before a formal court. The

reasons, however, must always be communicated to the Sister, and full liberty to answer the charges must be given her, and her answer to the charges must be faithfully submitted to the Superiors.

4°. The expelled religious may appeal to the Holy See against the decree of dismissal; pending the appeal dismissal has no juridical effect.

5°. The prescriptions as given in No. 183 must be carried out.

185. **A Sister under temporary vows is, when dismissed, freed from all her religious vows. (Canon 648.)**

186. **To dismiss Sisters under perpetual vows, grievous and exterior faults are required, together with incorrigibility. The incorrigibility must be proved by experience so as to leave no hope for amendment, in the judgment of the Superior General.**

In Diocesan Congregations, the Ordinary of the place, in which the house of the professed sister is situated, examines the causes for dismissal and issues the decree of dismissal.

At a plenary meeting of the Pontifical Commission for the authentic interpretation of the Codex (November 24, 1918) the following question was discussed and answered:

Whether religious vows taken before the promulgation of the Codex are to be governed by the laws in force before the Codex, in so far as the manner of dismissing and the effects of dismissal are concerned?

The answer was in the affirmative.

Evidently the dismissal of a religious from her congregation and the effects of such dismissal touch substantially the vows

made, in as much as the vows bind the religious to her congregation; hence it is clear that, as the bond was perfected before the Codex, it remains such afterwards, because the Codex has no retroactive force.

187. In all approved congregations the Superior General remits the whole affair, with all the acts and documents, including the answers of the Sister to the charges, to the S. Congregation of Religious, who will then decide what is most expedient to do.

188. In case of grievous and exterior scandal or of impending very great damage to the community, a professed Sister may be dismissed at once by the Superior General with the consent of her Council. If there should be danger in delay, and if there was no time to hear from the Superior General, the local Superioress with the consent of her Council, and with the consent of the local Ordinary, could send a guilty Sister back to the world. A religious so dismissed must at once put off her religious garb. The whole affair must then without delay be submitted to the judgment of the Holy See, by the Ordinary himself or by the Superior General.

189. A Sister under perpetual vows, if dismissed from her congregation, is still bound by her religious vows, unless the Constitutions or indults of the Holy See determine otherwise. (Canon 669.)

190. A Sister, who is dismissed but not freed from her religious vows, must return to the convent, and if during three years she has given proofs of perfect amendment, the congregation is obliged to receive

her. If there are serious reasons against readmission on the part of the congregation or of the religious, the matter must be submitted to the judgment of the Holy See. (Canon 672.)

Sec. 2. *Violent Dispersion*

191. Suppression or dispersion of religious houses brought about by force, or by virtue of laws passed by the civil authorities, is null and void.

Religious corporations depend exclusively upon the ecclesiastical authority, and consequently no civil power has the right to suppress them or dispose of their property.

192. Dispersed religious are not relieved from their obligations, but must keep them at least substantially as circumstances will permit.

This is the logical deduction of the previous principle. It is clear also that living out of the convent they cannot be held to the strict observance of discipline or vows. There can of course be no relaxation in the strict observance of the vow of chastity. In regard to the two other vows they must be kept as well as changed conditions will allow. In regard to the vow of poverty, a distinction must be made between acts implying acquisition or alienation of property, and those concerning the use of temporal property. The former require the same authoriza-

tion as if the religious lived in the convent; for the latter greater latitude is allowed, that they may live modestly according to their condition. The Superiors, however, have a right to restrict that liberty. In regard to the vow of obedience, the religious must be governed by obedience in as far as circumstances will permit.

193. **Dispersed religious must, if possible, join other houses of the congregation, and follow the regular observance.**

This principle is inculcated in all the indults and instructions of the Holy See.

194. **Dispersed religious are not deprived of the privileges granted to their congregation; but they do not always enjoy those conceded to their convent.**

Personal privileges follow the persons, who can enjoy them wherever they be; but local privileges are attached to particular places and, without a special indult, are not transferable to any other place.

195. **With a removal of the cause of dispersion, the dispersed religious are obliged to return to their convent.**

Religious, refusing to answer the call of their Superiors to return, are punishable.

CHAPTER V

OBLIGATIONS FOLLOWING THE VOWS

ART I. *Of the Vow and of the Virtue of Poverty*

SEC. 1. *Definition and Object of the Vow of Poverty*

196. **The vow of poverty is a deliberate promise made to God, whereby the professed Sister deprives herself of all independent disposition of temporal property, and of valuable objects.**

The essence of the vow of poverty, as made by the Sisters, consists in being deprived of the right to freely dispose of their earthly belongings; these are the words of Pope Pius IX.

197. **The possession or the use of temporal goods, independently of the will of Superiors, is the object matter of the vow of poverty.**

However strict poverty may be as prescribed by the constitutions, whatever is not, properly speaking, a temporal thing cannot be a matter of the vow of poverty, such are life, health, use of faculties and

talents, supernatural gifts, manuscripts, relics, but not the costly case that may enshrine them.

198. **By the vow of poverty the religious renounces the right to perform any act of proprietorship not authorized by the Superiors.**

The vow of poverty forbids, 1°, any act of appropriation, as, for instance, to take, keep, use, receive, borrow, or buy; 2°, any act of disposing of property, such as to give, sell, loan, or squander.

Sec. 2. *The Simple Vow of Poverty*

199. **The simple vow of poverty makes illicit, but not invalid, any disposition of temporal things, without the consent of the lawful Superior. (Canon 579.)**

The professed Sisters may retain ownership of present and future property, but, before profession, they must resign the administration, the usufruct and use, all of which they may convey to whomever they please. Whatever they afterwards acquire or inherit, whatever is not the fruit of personal industry, belongs by right, not to the convent, but to the professed Sister, who may dispose of it with the consent of the proper Superiors.

Sec. 3. *Practice of Individual Poverty*

200. **The religious must, before making their profession, cede by a private or public instrument the**

administration, the usufruct and the use of their property to whomever they please, even to the congregation; but in this latter case they must first ascertain that it will be accepted.

201. **No revocation or change in the deed is allowed, pending the vows, without the permission of the Superior General.**

In case of death or resignation of the administrator, recourse must be had to Rome for the appointment of another, unless the necessity of an immediate appointment is absolute, and that there is danger in delay, when the consent of the Superior General will be sufficient. To obviate these difficulties, it may be well before profession to appoint several administrators, who in case of death or resignation might succeed one another. The deed appointing an administrator should extend for all the time the religious shall be under simple vows. A Sister under temporary vows could change the administrator at the expiration of these vows and appoint again whomever she pleases, for all the time she shall be in the convent. This seems very important, when, as should be the case, the deed is drawn up in a validly legal form. When the Sister leaves the congregation, this disposition ceases to be binding. The cession or administration of their property cannot

be made by the religious after profession, without the consent of the Superior General. No change can be made by which at least a considerable part of the property should be made over to the congregation.

202. **The religious shall proceed in the same manner in disposing of property that may come to them after profession, by way of heritage or donations.**

The same rules apply in disposing of these properties as applied to the disposition of their property before profession; that is, the religious can freely dispose of them, even without the consent of the Superiors.

203. **A novice, before taking her temporary vows, is entirely free to dispose by testament of her present and future property.** (Canon 569 § 3.)

Professed Sisters under perpetual vows cannot gratuitously abdicate their property by a donation inter vivos, and the testament they made before their temporary vows, cannot be changed without the permission of the Holy See. (Canon 583). In case of necessity, when there is no time to take a recourse to Rome, the permission of the Superior General, or if she could not be heard from, the permission of the local Superior would be sufficient to alter a testament.

204. **Religious can perform all acts, required by the civil law, with the consent of the Superior General, or, in urgent cases, of the local Superior.**

205. **The Sisters cannot in any way dispose of the dowry brought to the congregation.**

The law demands a safe, lawful and advantageous investment of the dowry by the Superior with her counsel and with permission of the Ordinary; the administration belongs to the convent, where the General or the Provincial commonly resides.

Sec. 4. *Practice of the Vow of Poverty in Community*

206. **Whatever the Sisters acquire after their profession, either through their own industry or on account of the congregation, cannot be claimed or reserved by them as their own, but must go to the congregation for its benefit or that of the house.**

The disposal of these acquisitions without the consent of the Superiors is null and void. The Sister acquires for the institution all the fruits of her personal industry and all donations made to her as a member of the institution. The following example will serve as an illustration: A Sister waits on a

patient at her home, and in consideration of her services a legacy is left her. This belongs to the community, not to the Sister; she would not have received it, had not the institution sent her to take care of the patient.

207. **In the community all that regards furniture, provisions, and clothes is held in common. The furniture as all the rest must be conformable to poverty; there must be nothing superfluous, whilst at the same time necessaries shall not be denied to any one.**

The details in regard to this point should be inserted in the book of customs rather than in the constitutions. Superiors should see that these points be observed and the transgressors reprimanded or punished.

208. **If a Sister leaves the congregation or is dismissed, the entire dowry, without interest, however, must be returned to her.**

Sec. 5. *The Permission of the Superior*

209. **The permission granted by the lawful Superiors for any disposition of property takes away from the act the forbidden characteristic of ownership.**

Permission may be either general or especial, express or tacit. Permission may be *presumed* when,

owing to the urgency of the case or the impossibility of seeing the Superior, the Sister interprets the Superior's will as not being opposed to the act which she is about to perform.

The Superior General is the one to grant these permissions, or also the local Superiors, if this be the sense of the constitutions, or if this be the legitimately established custom. The permission of the Superior legalizes an act which would otherwise be an infraction of the vow of poverty.

210. **Permission granted by the Superior must not be inspired by fear or obtained under false pretences.**

Fraudulent permissions are void; the Superior grants the permission upon the reasons given her; if these are false, the permission is null. It would be different if to a number of true reasons, determining the Superior to grant the dispensation, false ones were added. It is a method that cannot be recommended, but the permission would be valid. Permissions extorted by fear are valueless like fraudulent ones. Using either kind of permission would be an infraction of the vow of poverty.

211. **Permission must be founded on lawful motives.**

A religious is not justified in asking for exemptions without a reasonable cause; the Superior, on the other hand, cannot grant them without good reasons. She is not the proprietor but only the administratrix in the name and for the use of the community.

212. **A higher Superior has always the right to revoke permissions granted by a subordinate Superior.**

She is not supposed to have done so, unless a formal declaration has been made to that effect. If the subordinate Superior refuses to grant a permission recourse may be had to a higher Superior, who should be informed of the refusal. If a permission is refused by a higher Superior, the subordinate Superior may be approached, unless her right in the premises should have been formally suspended.

Sec. 6. *Sin against the Vow of Poverty*

213. There is no mortal sin against the vow of poverty, when there is not serious matter. But whether mortal or venial, the sin always includes the malice of a sacrilege, because it is the violation of a vow made to God. In disposing independently of her own property, a Sister sins against poverty; in so disposing of the property of the community,

she commits a sin against justice as well. Authors do not agree as to what would be a serious matter against the vow of poverty; the constitutions or legitimate customs should declare what amount constitutes a grievous matter in the different communities. All this depends greatly upon the financial conditions of the house and the nature of the misappropriation.

214. A religious who has caused any damage to the community, if there be theological guilt, is bound to restitution, by saving what she can of licit expenses, wthout depriving herself, however, of what is necessary, because this cannot be the intention of either Superiors or community. The convent is not obliged to pay debts incurred by a Sister without the consent of the Superior.

Art. II. *The Vow and the Virtue of Chastity*

215. The vow of chastity not only forbids to marry, but also whatever is contrary to the virtue of chastity.

The vow of chastity, whether temporary or perpetual, as made by a religious, is a prohibitive impediment of marriage; it renders marriage not invalid, but illicit. Lustful acts contrary to chastity are in themselves always grievous matter; but they

may constitute only a venial sin because of the want of reflection or of full consent.

216. **The constitutions should contain opportune safeguards for the preservation of chastity, without entering, however, into minute details.**

These safeguards or precautions are suggested by the nature and the purpose of the institution. One of the great dangers to be avoided is particular friendships either among the members of the same community, or with the children entrusted to the care of the Sisters, or also with the patients under their charge in hospitals or asylums.

217. **All voluntary sin against the vow contains a double malice, being at the same time a sin of impurity and of sacrilege.**

Art. III. *The Vow and the Virtue of Obedience*

218. **The obligation of the vow of obedience is limited to commands referring directly or indirectly to the constitutions or to the vows.**

The vow of obedience is a promise made to God, in an approved congregation, to obey lawful superiors in all things which they have a right to command, according to the constitutions.

219. **Hence it follows that for the vow of obedience to bind, it is required that the command concerns**

the religious state and is not an excess of power in the one giving it.

1°. A religious pledges herself by vow to obey lawful Superiors not only in all things expressly contained in the constitutions, but also in all things implied by them. The Superior may command whatever she deems necessary or useful for the observance of the vows or of the constitutions; if a religious wills the end, she must also be willing to submit to the means. 2°. But a Superior cannot command anything that is *beyond the constitutions*, such as, sending Sisters to the missions in infidel countries, when missionary work is not one of the purposes of the congregation. Nor can the Superior command anything that is *beneath the constitutions*, such as, something absolutely useless or ridiculous, unless with a view of exercising the Sister in humility or other virtues; in this case it would be rather a question of virtue than of vow. The Superior cannot command anything *contrary to the constitutions*. Therefore nothing that is, a°, less perfect, b°, opposed to the constitution, or c°, evil. Interior acts cannot properly be the object of a *direct* command, such as, examination of conscience or meditation, but if *indirectly* commanded, the religious spirit of respect for authority demands that

the Sister act according to the will of the Superiors. 3°. The lawful Superiors are: the Pope, the Roman Congregations, especially the Sacred Congregation of Regulars, the Ordinary of the diocese, the general, provincial, and local Superiors, whose rights are defined by Canon law and by the constitutions.

220. **It is further required that the Superiors giving a command have the intention of binding their subjects.**

The obligation to obey supposes a binding command, which would not exist if the Superior has no intention of binding the will of the subject. It is not sufficient that the Superior manifests a desire to the effect that something be done; to create an obligation there must be a positive command, expressed in such words as *I command;* in this case the subject is obliged under venial sin only, unless the matter being grave the Superior intends to bind under mortal sin. But if the command is given in the following words: *I command in the name of Jesus Christ* or *in virtue of holy obedience,* it would bind under mortal sin. Such commands should be given only in exceptional circumstances. The Sacred Congregation suggests that they be given only *in writing* or at least in the presence of two witnesses.

Local Superiors, especially of smaller houses, should refrain altogether from giving such commands. Obedience is also due to minor officers in the discharge of their respective duties; if the constitutions or the Superiors have given them a right to command in particular cases, the Sisters would not be justified in appealing to higher authority, without complying first with the command given.

221. **In case of doubt as to the lawfulness of the command, or to the authority of the one giving it, the religious is obliged to obey.**

In both cases all authors agree that the religious is obliged to obey, because the Superior cannot be deprived of her right to command, as long as the command is not proved to be illicit.

222. **Religious must submit to the regulations established by the Superiors, or the general and provincial chapters, tending to the reformation of the congregation or of the community.**

The question here suggests itself whether a Sister, who has made profession, before the introduction of a reform, is bound to accept it. Here we must distinguish. If the manner in which the rule was observed warranted a reform, the Superiors have not only the right but the duty to reform and the subjects

must submit. If the mitigation was introduced either by the Pope or by custom, in neither case would the professed Sister be obliged to accept the stricter observance, unless the reform was made necessary for the preservation of the congregation. Those professed after the introduction of the reform are obliged to accept it. If the reform emanated from the Holy See, all would be obliged to submit. Superiors should follow the example of the Holy See in the matter of reform and act prudently.

223. **The more or less perfect manner of keeping the constitutions or following the instructions of Superiors belongs rather to the virtue than to the vow of obedience.**

Exaggerations should be carefully avoided. To hear the voice of God in the sound of the bell calling to an exercise, to leave *unfinished* a letter begun, or to ask the Superiors' permission in indifferent things refer to the virtue of obedience. Comparisons between the acts of our Lord and those of the religious should be avoided. These exaggerations serve no other purpose than to trouble consciences.

224. **Sins against the vow of obedience may assume a different malice.**

Formal contempt of authority is the worst offence; this is, however, entirely distinct from contempt of

the person who commands. Sins against the vow of obedience, 1°, are sacrilegious, because the virtue of religion is violated by it; 2°, they offend against humility, the foundation of religious obedience; 3°, by formal contempt of authority they imply a sin against the virtue of obedience; 4°, if refusal to obey is made in public, they become the cause of greater or less scandal.

CHAPTER VI

OBLIGATIONS IMPOSED BY THE ECCLESIASTICAL LAWS

ART. I. *Enclosure*

225. **Congregations of simple vows shall have a partial enclosure to be determined by the constitutions, so that a part of each house must be set aside for the exclusive use of the Sisters, and into which no outsiders shall be admitted. (Can. 604 § 1.)**

226. **For the houses of religious who have what is called *episcopal enclosure,* the Bishop reserves all the rights which are conceded to him by canon law.**

This disposition concerns Sisters who, like religious with solemn vows, observe a strict enclosure, which, however, is called episcopal enclosure. The episcopal enclosure is not protected by papal excommunications, although the Bishop may impose censures upon the violators, Sisters as well as strangers. The Bishop has for this kind of enclosure the same right as for that of sisterhoods with solemn

vows. To him, therefore, belongs the right to give permission either to enter or to leave the enclosure, and in general to see to its careful observance, especially with regard to the regulations for the parlors.

227. **It is the Bishop's duty to see that the partial enclosure, where it exists, be carefully observed and that no abuses creep in. (Can. 604 § 3.)**

The sisterhoods of this class are nearly all of recent foundation. Although very limited, this partial enclosure is obligatory, unless the approved constitutions specify to the contrary. As it is the Bishop's duty to see that this provision be enforced, and as he cannot know the dispositions of the constitutions, unless he has read them, we therefore mention once for all that the Superiors should send a copy of the constitutions to the Bishop.

228. **When there is any need for the physician or workmen to enter the enclosure, the approval of the local Ordinary should, if possible, be first obtained; this may be given once for always.**

229. **The Sacred Congregation does not approve of constitutions admitting men to teach the Sisters or their pupils.**

230. **Whenever a Sister leaves the house for any reason, she must have a companion designated by the Superior.**

No Sister can leave the house without permission, except in case of urgent necessity. All infractions of this rule should be severely punished.

231. **It is also desirable that the Sisters be not alone with visitors in the parlor; exceptions, however, may be made for parents, brothers, and sisters.**

232. **Towards night the outside doors must be closed and the keys handed to the Superior.**

233. **The apartments of the confessor or of the chaplain must have a separate entrance, and must not communicate with the apartments of the Sisters.**

The Sacred Congregations of the Council and of Regulars have at all times reminded the institutions of this point and insisted upon its observance.

CHAPTER VII

COMMON EXERCISES OF PIETY

234. **The religious shall devote some time each day to mental prayer. They shall also spend some time each day in the reading of approved spiritual books.**

Meditation is undoubtedly one of the most important exercises of religious life. Superiors should only dispense from it rarely and for good reasons. This applies to the lay Sisters as well as to the choir Sisters. In case this, or any other common exercise, cannot be made at the proper time, the Superiors must provide some other suitable time for them, especially for the meditation. The obligation of the various exercises depends upon the manner in which they are prescribed by the constitutions.

235. **The religious shall make a yearly retreat. (Can. 595 § 1.)**

236. **They shall also practice vocal prayer. To**

the choir Sisters is especially recommended the recitation in common of the Little Office of the Blessed Virgin, or part of that office, but the recitation shall not oblige under sin. To all the Sisters is recommended the daily recitation of the Rosary, either in common or in private.

Great discretion must be used not to overburden the Sisters with vocal prayers. Prayers that may be in use in the community, especially those that are not approved by the Church, should not be inserted in the constitutions. The office of the Blessed Virgin must be said in Latin, not in the vernacular. Even when prescribed by the constitutions, the recitation does not bind under sin, because the constitutions themselves do not so oblige.

237. All the Sisters shall daily, if possible, assist at the Holy Sacrifice of the Mass. (Can. 595 § 2.)

238. Every day they shall make an examination of conscience.

Besides this examination usually made towards evening, another is also recommended at noon.

CHAPTER VIII

MORTIFICATION AND PENANCES

239. The Sacred Congregation does not approve institutions professing to lead an active life, which would exclude in their constitutions every act of bodily mortification, but it recommends the moderate practice of it.

In this, as in everything else, excesses are injurious; corporal penances are salutary, and for this reason the Church recommends them, but excesses detrimental to health, good order, and the works proper to the institution must be avoided. Superiors and confessors are the judges of what is advisable on this point. The constitutions may determine certain mortifications, and leave the rest to the fervor of the individual religious, who should allow themselves to be guided by obedience. As for penances which are inflicted as a punishment for faults committed, it is well to select those in general use in the congregations.

240. **For ordinary mortifications practiced in private the Sisters must be guided by the confessor only: for exterior and public penances they must have also the permission of the local Superior.**

241. **If in any congregation the chapter of faults is in use, it shall not be held more than once a week, nor less than once a month; the accusations shall be limited to the exterior transgressions of the constitutions, and the penances imposed must be seasoned with the spirit of discretion.**

The chapter of faults is a most useful practice in religious communities; the saints call it purgatory on earth. The Sacred Congregation does not approve that religious accuse themselves of faults regarding progress in virtue, nor that one member accuse the other, as this is liable to lead to abuses.

CHAPTER IX

SECONDARY MEANS TO PRESERVE DISCIPLINE AND FERVOR

242. **Letters sent or received must pass through the hands of the local Superior, who shall use her privilege of reading them with prudence and charity and under the seal of secrecy.**

The Superiors have the right to read all non-privileged letters; but they must be guided by the spirit of discretion and prudence for all members of the community alike. They should not divulge secrets contained in them. The nature of their office, as well as the welfare of the community and of the individuals demand great tact on the part of the Superiors. Superiors are not authorized to cause their inferiors any annoyance without good reason.

The Superiors must read the letters addressed to them by their inferiors, but they cannot communicate their contents to others and cannot make use of any information if not for the good of the community or

of the individual. The consent of inferiors in this matter cannot easily be presumed. The violation of letter secrecy is a serious offence, and may be a mortal or a venial sin, according to the nature of the injury caused by it. Violation would also lead to loss of confidence and subsequently to secret correspondence. Inferiors cannot send or receive letters without previously handing them to the Superiors. The contrary course would not be guiltless and would be punishable, as the constitutions may determine.

243. **Superiors have no right to open or inspect correspondence addressed or received from the Holy See, the Cardinal Protector, the higher Superiors and the Ordinary of the place.** (Canon 611.)

Full liberty should be left to religious to correspond with their lawful superiors; the local Superiors need not even know that inferiors have written to the higher Superiors. Letters from those Superiors must be handed to the Sisters unopened. Local Superiors would be to blame if they showed any displeasure at such correspondence; they should, on the contrary, give their inferiors well to understand that they are perfectly free to correspond with these higher officials.

244. The constitutions shall prescribe that silence be carefully observed in the church, in the chapel, in the choir and in the sacristy, as also in the refectory during meals, except on extraordinary occasions. Silence will also be kept in the whole house, with the exceptions demanded by the particular purpose of the congregation, especially during the night. During dinner and supper some pious book shall ordinarily be read.

CHAPTER X

THE SICK

245. **In all houses where it can be conveniently done, a part shall be set aside for an infirmary. One or more Sisters who excel in charity and fitness shall be appointed to take care of the sick. It shall be their duty, conjointly with the Superiors, to carry out the physician's instructions, concerning food or medicine. The physician must be called in time.**

The nurses must show the greatest devotion, but the sick themselves must not be unreasonable in their demands, and should bear their sufferings patiently as a means of sanctification and to please God.

246. **Still greater care shall be taken to procure for the sick the spiritual helps which their state may require. Any confessor whom the sick Sister desires shall be called in as often as she wishes. In regard to the frequency of communion the decree "Sacra Tridentina Synodus" of December 20, 1905, and "Post editam"**

of December 7, 1906, shall be followed to wit: that on the advice of the confessor, if the Sister's illness had lasted for a month without hope of a speedy convalescence, Holy Communion may be given her once or twice a week, even when not fasting. She may take beforehand some soup, coffee, milk or other liquid, even mixed with some solid matter, provided the whole retains the nature of a liquid.

247. When a religious is in danger of death, it is the duty of the infirmarians and of the Superior to have the last sacraments administered to her in time, and to procure at the last moment the assistance of a priest, as prescribed in the Roman Ritual.

These two points should be inserted in the constitutions. The pastor of the parish shall, if possible, assist the dying Sisters, unless the Bishop has entrusted that ministry to another priest. When there is danger of death the Superior must offer to call an extraordinary confessor.

CHAPTER XI

SUFFRAGES FOR THE DEAD

248. **The constitutions must determine the suffrages to be made for deceased religious, and especially the number of masses to be offered for the repose of their souls.**

It is a duty of charity towards deceased Sisters to obtain for them eternal rest by prayers, good works, and especially by the Holy Sacrifice of the Mass.

Among those who have a right to these suffrages, we may mention the Pope, the Bishop, at least if the congregation is diocesan, and the benefactors either of the community or of the congregation. As to the number of masses to be offered, it would be well to adopt the practice of the church. The constitutions could prescribe a Mass on the day of death or burial, on the third, the seventh, and thirtieth day following, and on the first anniversary. The constitutions may allow a greater number of masses

for those who held more important charges; so the Sacred Congregation has intimated that for a local Superior at least seven masses should be offered. The constitutions must determine these various points.

SECOND PART

Exterior Government of Congregations with Simple Vows

BOOK I

The Authority of the Holy See

CHAPTER I

AUTHORITY OF THE SOVEREIGN PONTIFF

249. **The Sovereign Pontiff has supreme authority and jurisdiction over all religious congregations.**

The very nature of religious life demands from the Sisters submission to the ecclesiastical hierarchy. The Pope is the supreme Shepherd whom Christ has appointed to determine not only what the faithful in general should do to save their souls, but also what those who have pledged themselves to higher perfection should do to attain the end of their calling. The Sovereign Pontiff can exempt religious

from episcopal authority, but he cannot dispense them from obedience to himself. Although the religious do not *formally* promise obedience to the Pope, yet they are bound *in virtue of obedience* to all the commands given, and all the reforms imposed by him; this obligation corresponds to his right of jurisdiction. History tells us that on the strength of this right the Sovereign Pontiffs have approved, reformed, and suppressed religious orders and congregations, either directly or by others delegated for the purpose.

250. **However great this power is, the exercise of it is limited to what the religious has explicitly or implicitly promised at the time of her profession.**

The religious state is not of precept, but only of counsel; and all who embrace it promise to tend to perfection by the means determined by the nature and purpose of the individual congregations. The right of the Pope is therefore limited by the terms of the contract of profession, varying according to the different congregations; but he may exercise his right in all that the religious have promised, in all that is necessary for the preservation of discipline, in all that concerns the nature and the particular purpose of the congregation. Hence his right to reform relaxed discipline. The constitution "Conditæ" was a recent proof of it.

CHAPTER II

AUTHORITY OF THE ROMAN CONGREGATIONS

251. The Sacred Congregation of Regulars has a direct jurisdiction over all congregations approved by it.

This Sacred Congregation was formerly divided into two sections, which have been reunited by the "Motu Proprio" of May 26, 1906. We add the principal points which according to the Code must be referred to the Sacred Congregation: Approbation of new congregations, suppression of existing houses, erection and translation of noviciates, erection of new provinces, change of residence of the Superior General and her council, alienation of property, dismissal of a Sister with perpetual vows, dispensation of vows, changes to be made in the constitutions and their authentic interpretation, calling of an extraordinary general chapter, confirmation of the re-election of the Superior General, deposition or resignation of the Superior General, deposition of the

General Assistants, triennial report of the Superior General concerning the discipline and the material, economic, and personal condition of the congregation, difficulties between the congregation and the Bishops, indults of secularization.

The jurisdiction of the Sacred Congregation of Regulars over the institutions is almost universal; the religious owe it obedience as to the Pope.

252. **The other congregations have no other authority over religious than within the limits of their particular work.**

CHAPTER III

THE CARDINAL PROTECTOR

253. **The Holy See generally gives a Cardinal Protector to religious congregations who request it.**

The Bishops cannot be the general Superiors of congregations approved by Rome; on the other hand, the General Superiors seem to need some protection without prejudice to the jurisdiction of the Ordinaries; this has led the Holy See to appoint Cardinals as Protectors of the various congregations.

254. **The Cardinal Protectors are generally chosen from among the Cardinals resident in Rome.**

255. **The Cardinal Protectors have no longer ordinary jurisdiction over the congregations placed under their patronage.**

256. **The office of the Cardinal Protector is to promote the welfare of the Congregation by counsel and patronage.**

BOOK II

Authority of Bishops over Religious Congregations

CHAPTER I

RIGHTS OF THE BISHOPS IN THE GOVERNMENT

Art. I. *Election of Superiors*

Sec. 1. *Diocesan Congregations*

257. **The right to preside over the election of Superiors belongs to the Bishop; he can either preside himself or send a delegate.**

The constitutions of each congregation must clearly define the manner of electing Superiors. This applies chiefly to the election of Superiors General, as the local Superiors and other officials are generally appointed by the Superior General and her council. It is needless to remark that the President must use great discretion, and should not propose or insist on

the election of any Sister in particular. The Holy See has repeatedly intimated its wish that the scrutineers should be chosen from among the electors, and that the chaplain or confessor should not act in that capacity.

258. **The Bishop has the full right either to confirm or annul the election according to the dictates of his conscience.**

To confirm an election means to declare that the election is canonical, and to ratify it by authority. The confirmation is not a simple declaration of results. Leo XIII conferred on the Bishop also the right to refuse his consent to an election. In case of annulment, the election is to be repeated. After the third ballot without results, the Bishop makes the appointment.

259. **By the very fact of their election and approval the Superiors have the right to fulfil their duties.**

This right enables them to govern their community according to the provisions laid down in the constitutions.

Sec. 2. *Non-Diocesan Congregations*

260. **In non-diocesan congregations the Bishop or his delegate is present at the election of Superiors**

General, not in his ordinary right, but as a delegate of the Holy See.

The new Code (Can. 506 § 4) prescribes the presence of the local Ordinary or his Delegate at the election of the Superior General; it does not mention, but does not exclude his presence at the election of the Supreme Councillors and officers.

261. The Bishops cannot change or alter the government by right established in the constitutions, neither for the general or local Superiors.

The Bishops may not interfere with the internal government of approved congregations. They have no right to require the Superiors General to obtain their previous consent for the transfer of a religious; they have no right to demand the change of a local Superior without serious reasons.

Art. II. *Canonical Visitation by the Bishop*

Sec. 1. *Diocesan Congregations*

262. The Bishop has the "right of visitation" in the houses of diocesan congregations and to be informed of the manner in which virtue is practiced and discipline kept, and also of the financial condition of the congregations.

If the congregation has houses in other dioceses, the Bishop, even of the diocese in which the mother-

house is situated, has no right to intervene in the administration and general government of the congregation independently of the other Bishops. In his own territory the Bishop can by himself or by a delegate hold visitation of all the communities, including the mother-house. No previous notice need be given to the Superior or her council. The Bishop may on such occasions inspect the church or chapel, inquire about the observance of the canonical laws concerning the altars, the worship of the Blessed Sacrament, the confessionals; about the relations of the religious with the outside world, the practice of religious observance, and the temporal administration. Every five years the Ordinary or his delegate must hold a canonical visitation of all the houses of a diocesan congregation.

263. **The Bishop can correct or punish the religious for faults committed.**

This right is all the more necessary as Superiors cannot impose other punishment than that provided by the constitutions, when use must be made of more stringent measures, requiring the power of the keys.

264. **The Bishop has the same right of visitation in all schools, hospitals, academies, and similar institutions, directed by the Sisters.**

The canonical visitation of the Bishop does not prevent nor take the place of the visitation by the General Superiors, as prescribed in the constitutions.

Sec. 2. *Non-Diocesan Congregations*

265. **In all houses of congregations with simple vows, the respective Bishops have the right to visit the churches, public chapels, places serving for the administration of the sacrament of penance, and to give any directions concerning them which they consider opportune. (Canon 512 § 2, 2°)**

These rights of the Bishop apply also to all congregations approved by the Holy See. The Superiors must see that the canonical prescriptions are carried out by their subjects. This is their privilege and their duty.

266. **It is the Bishop's right to inquire whether the discipline is observed according to the rule, whether the right doctrine and sound morals have not suffered, whether the enclosure has not been violated, and whether the religious receive the sacraments regularly and frequently. (Canon 618 § 2, 2°.)**

267. **If the Bishop should notice any abuses in the government of the house, he will point out the matter to the Superiors; it they fail to act, the Bishop will proceed to apply a remedy himself. If there should be any very serious deviations, which admit of no delay, the Bishop will settle the matter immediately, but must refer his decision to the Sacred Con-**

gregation of Regulars. (Canon 618 § 2, 2°.)

Although the Sacred Congregation leaves the supreme supervision of these congregations to the Bishops, it wishes at the same time that the authority of the regular Superiors shall be safeguarded; it is their duty to take the proper steps when occasion demands. There are, however, two exceptions: *a*, when a remedy must be urgently applied to a serious situation, in which case the Bishop can act without the concurrence of the Superiors, but he must send immediately his decision with his reasons to the Sacred Congregation; *b*, when there is negligence on the part of the Superiors, that is, if the Bishop finds something to be corrected, and having been warned they fail to act, he may take the proper steps himself. But in this case the Superiors have a right to appeal to the Sacred Congregation, whose decision shall be final.

268. **If the houses have other establishments attached to them, such as academies, orphanages, hospitals, schools, asylums, all these are subject to episcopal supervision in all that concerns the teaching of religion, good morals, exercises of piety, without prejudice, however, to the privileges granted by the Holy See to such colleges, schools, or other establishments.**

This article treats of houses and works founded and directed by the congregations, and only to them does the Holy See grant a sort of exemption in as far as the administration is concerned. When these works have not been founded by the religious, but simply entrusted to their care, the administration belongs either to the founder or to the person who must provide the income; and if they are diocesan or parochial, they are subject to the authority and supervision of the Bishop. The exercise of episcopal authority in non-exempt congregations is limited to the points determined by canonical legislation. The chief points are the following: the teaching of religion, how it is conducted, whether the diocesan regulations are complied with, etc. Good morals, whether there are public and scandalous abuses, the supervision of children, of the sick and of boarders. The exercises of piety in use in the establishments; the manner of divine worship, and the administration of the sacraments. The religious are in these cases considered as members of the faithful rather than of a congregation. We shall have more to say about this distinction hereafter. The episcopal visitation in the houses of which we treat, should be held every five years.

CHAPTER II

RIGHTS OF THE BISHOP CONCERNING THE TEMPORAL ADMINISTRATION

ART. I. *Administration of the Property*

SEC. 1. *Diocesan Congregations*

269. **The Bishop has the right to examine the accounts of all houses in his diocese.**

The property of the various houses belongs to the congregation; the Superiors are therefore the natural administrators of it. If, however, the Bishop in approving the constitutions has reserved any part of the administration to himself, he may lawfully exercise such, keeping in mind that in doing so he administers the property of the community, not his own. Hence he has the right to examine the accounts of all houses in his diocese, frame regulations to be followed by the Superiors, approve the administration of the property, and change officials, if they give proof of negligence, after first warning

the Superiors, and to see whether the constitutions are observed in regard to the administration of temporal property. If there should be an excess of income over expenditure, the Bishop has no right to dispose of it, because it belongs to the congregation, which, however, may compensate the Bishop for his trouble.

Sec. 2. *Non-diocesan Congregations*

270. **The Bishop has no right to demand an account of the administration of property of the congregation or of individual houses, except in the case of lands, or foundations, the revenue of which must be spent either for the service of the church or in assisting the needy of the place or of the diocese.**

271. **Every fifth year or oftener, if the approved constitution so state, the Superior General must send to the Sacred Congregation of Regulars a report, which must be verified and signed by the Bishop in whose diocese the mother-house is located.**

Art. II. *Administration of Property Pertaining to Divine Worship or Works of Charity*

272. **If funds have been assigned or left by will to a particular house in order to provide for the expenditures of divine worship or for a charitable local work, the Superior of the house shall administer it, but**

subject to the recommendations of the Bishop. The Bishop can at any time examine the accounts of expenditure and income, and supervise the administration of these funds in diocesan as well as approved congregations.

The property and the funds over which the Bishop has the right of supervision are foundations or donations destined for church or chapel expenses, or for the local works in charge of the religious; the funds are not the property of the religious. The works which the religious have neither founded nor endowed remain under the jurisdiction of the Bishop, who has always been regarded as the guardian of the poor. The constitution "Conditæ" conferred on the Bishops a threefold right in regard to the funds and properties of which we here treat: 1°. To call for an account when he thinks fit. 2°. To see that the revenue from these sources be spent for the purposes designated. 3°. To see that the capital or stock is not lost, or devoted to other than its lawful purpose.

The Superiors must be open with the Bishop, and not use the revenues for other than the purposes designated.

What we have said of works of charity applies also to foundations of masses, or other obligations

to be fulfilled in the chapels of the congregations. Religious communities cannot accept any foundation for masses to be said in their chapels without the consent of the Bishop.

273. **If the congregation itself has founded establishments of charity or of worship, the Bishop has no right over the temporal administration of these funds.**

The funds to keep up these establishments are the property of the congregation or of the community. If the congregation is approved by the Holy See, the Bishop has no right to intervene in the temporal administration, but he preserves all other rights conferred upon him by the constitutions. The Bishop cannot impose upon these establishments charges not foreseen in the approved constitutions.

274. **The Sisters cannot go out collecting without the consent and the permission of the Bishop.**

CHAPTER III

RIGHTS OF THE BISHOP IN SPIRITUAL MATTERS

ART. I. *General Principles*

275. **The Bishop has full jurisdiction in spiritual matters over all diocesan congregations.**

As these congregations are approved by him and depend solely upon him, they are naturally subject to him; the Bishop may grant them a partial or total exemption from the jurisdiction of the parish priests as he sees fit.

276. **The members of approved congregations are also subject to the authority of the Bishop in all matters for which no exception is made in the approved constitutions, or by pontifical rescripts or constitutions.**

ART. II. *Worship*

General Principle

277. **For all that regards the divine worship the members of congregations of simple vows are entirely subject to the Bishop.**

Sec. 1. *Opening of Churches, Chapels, and Oratories*

278. **The Bishop has the right to grant or to refuse permission for the erection of new churches, or new oratories, whether they be public or semi-public.**

These churches or oratories may be either existing churches, which the Bishop entrusts to the congregation, or churches to be built by it. If these oratories are intended for the community rather than for the faithful, they are semi-public; in them the faithful may comply with the precept of hearing Mass on Sundays and holidays of obligation.

The Bishop can permit the erection of several semi-public oratories besides the principal one, as, for instance, in the infirmary or other parts of the house, where there may be a special need for such. The right of blessing these oratories belongs to the Bishop or his delegate. As they are only semi-public, they need not be blessed, and if they are to serve afterwards for other purposes, they should not be blessed.

279. **In these chapels, the ceremonies of Catholic worship may be performed by the authority and with the permission of the Bishop.**

We mean here all ceremonies not reserved to the pastor. With the general or, as the case may be, with the special permission of the Bishop, low and high Mass may be offered and the following ceremonies performed: the blessing of candles, ashes, palms, fire, and eggs, the functions of Holy Week, the Forty Hours' Devotion, the Asperges before Mass on Sundays, etc. The Bishop confides this ministry to a priest delegated by him, and gives him the necessary faculties.

Art. III. *Administration of the Sacraments*

Sec. 1. *Baptism and Confirmation*

280. **It is not proper for the Sisters to be godmothers.**

Having left the world, it would be very difficult for them to look after their god-children, in case the parents should not do their duty. The Sisters, however, could act as godmothers in the absence of other eligible persons with the express permission of at least the local Superior. (Canon 766, 4°.)

281. **The diocesan Bishop confers the sacrament of Confirmation on the Sisters and on all those under their charge.**

Sec. 2. *Eucharist*

282. **The Blessed Sacrament may be kept in the principal oratory, whether public or semi-public,**

of a religious house with the permission of the Ordinary. (Canon 1265, § 2°)

This is the difference between a public and semi-public oratory, that all the faithful are entitled to attend a public oratory, at least during the celebration of the divine offices, whereas in a semi-public oratory some may be excluded. (Canon 1188.)

283. **In all oratories, in which with due permission, the Blessed Sacrament may be kept, private exposition of the Blessed Sacrament, that is, with the pixis only, may be had for any just cause, even without the special permission of the Ordinary. The public exposition, that is with the monstrance, may be had in all churches and public or semi-public oratories on the feast of Corpus Christi and its Octave, during Mass and Vespers. On all other occasions it cannot be had without a just and serious cause, especially of public interest, and without the consent of the Ordinary. (Canon 1274.)**

284. **In all churches in which the Blessed Sacrament is habitually kept, the Forty Hours' devotion should, with the consent of the local Ordinary, be celebrated with all the solemnity possible. Where this is practically impossible, the local Ordinary shall arrange that on fixed days for at least some hours the Blessed Sacrament shall be exposed with more than ordinary solemnity. (Canon 1275.)**

The above canon treats only of churches, but it will probably also apply to public and semi-public oratories, where the devotion can be properly celebrated.

285. **To keep the Blessed Sacrament in chapels and oratories that are not public or semi-public, an apostolic indult is necessary.**

286. **The key of the tabernacle in which the Blessed Sacrament is kept, must be guarded most diligently; it is a most conscientious duty on the part of the priest in charge of the church or oratory. (Canon 1269 § 4.)**

Sec. 3. *Penance*

287. **To each house of Sisters there shall usually be assigned only one ordinary confessor; unless the great number of religious, or some other just motive, necessitate the appointment of two or more. (Decree "*Cum de Sacramentalibus.*")**

By its decree of February 3d, 1913, the Sacred Congregation of Religious collected, co-ordinated and modified the laws, concerning the sacramental confession of Sisters for the purpose of safeguarding liberty of conscience. The decree treats of ordinary, extraordinary and special confessors. All the dispositions of this decree have been adopted in the new Code. Hence we leave this Section like it appeared in a previous edition of the "Handbook"

288. **The ordinary confessor, as a rule, should not hold this office for more than three years.**

The Bishop, however, may appoint him for even a second and third term of three years, if the following conditions are verified: 1°, if through lack of priests suitable for this duty he cannot otherwise provide, or, 2°, if by secret ballot a majority of the whole community request his retention. In this case all in the community have a vote, even those who in all other matters have none. . . . Any religious who may have no right to vote in other matters, has a strict right to this vote. The decree also stipulates that those who are not in favor of retention must be provided for in some other way, if they so desire. This does not apply to the extraordinary confessor. Certain qualifications are required for the confessors, but it rests with the Bishop to judge of these and to dispense in certain cases.

The Sisters should go to confession, as a rule, to the ordinary confessor, unless in their opinion the welfare of their soul demands otherwise.

289. **At least four times a year an extraordinary confessor must be given to each religious house.**

All the Sisters must appear before this extraordinary confessor in the Confessional, at least to receive his blessing. The ordinary confessor may not be appointed as extraordinary until one year has elapsed

from the expiration of his term of office. An extraordinary confessor may be immediately appointed to the office of ordinary confessor.

290. **A special confessor or spiritual director should be given for certain reasons.**

The new Codex (Canon 520 § 1) stipulates that the Ordinary will appoint for each religious house several priests, whom each religious in particular cases can easily send for to hear her confession. For the peace of her soul or greater progress in spiritual perfection, any religious may apply to the Bishop for a special confessor. The Bishop will see to it that no abuses arise from such concession.

The special confessors are warned to dismiss the Sisters prudently, when they see that there is no just reason in calling them.

Any religious, when seriously sick, although not in danger of death, may call any priest approved to hear confessions, and may confess to him as often as she wishes during this serious sickness. If, notwithstanding the above prescriptions, a religious for the peace of her conscience, goes to confession to any priest approved by the Ordinary to hear confessions of women, the confession so made in any church or semi-public oratory is valid and lawful.

291. Superiors should not interfere with liberty of conscience.

If a religious requests an extraordinary confessor, no Superior may, either personally or through others, either directly or indirectly, inquire into the reason of the request or refuse the petition by word or deed or in any way show that she tolerates it unwillingly. Religious are not to be influenced on this point by their Superiors; in case they go to confession outside of the house, they are not bound to mention the fact to their Superiors. The Sisters, however, are admonished, not to use the privilege of asking for a special confessor, except for their spiritual good, and greater progress in religious virtues, apart from all human considerations.

As a proof of the concern of the Holy See in safeguarding liberty of conscience, the decree determines that if a Superior fail in this regard, her own Ordinary shall first admonish her and upon a second offence depose her, but inform at once the Sacred Congregation of Religious of the step he has taken. (Canon 2414.)

For diocesan congregations the case would not need to be reported to Rome; the Bishop could of his own authority proceed against the guilty Superior. Local Superiors are obliged to see to it that religious

discipline shall not suffer either from too frequent visits to confessors outside of the house or from similar causes. It may be best for them, when real excesses are committed or real abuses exist, to report the matter to the Bishop or his delegate and to abide by their decision.

292. **The Sisters are forbidden to talk among themselves about the confessions of their companions in religion.**

They are also forbidden to criticise Sisters who confess to an other than the designated confessor. The decree provides that the guilty ones on this point must be punished by the Superior or the Ordinary.

293. **The Decree** *"Cum de Sacramentalibus"* **must be added to the rules and constitutions of each and every religious congregation, and be publicly read in the vernacular once a year in a chapter of all the religious.**

294. **The confessor should not hear confessions except in the confessional, which is not to be placed in the sacristy or in any other hidden place.**

In other words, the confessional should be placed in the public or semi-public chapel. In case of necessity, however, the confessional might be placed in another room, provided both the confessor and

the Sister can be seen. Although these prescriptions were given for sisterhoods of solemn vows, yet the motive prompting them is the same for all.

295. **The confessor has no authority to dispense from ecclesiastical fasting or abstinence.**

He may declare in particular cases that the law is not binding, but he cannot dispense without special faculties.

296. **The confessor must avoid meddling with the government of the community and especially with the administration of the property.**

He is not forbidden, however, to give an advice when requested, or to direct penitents with reference to their duties.

297. **The dwelling of the ordinary confessor must be distinct from the convent, or at least must have a separate entrance and not have any communication with the dwelling of the Sisters.**

298. **It is not the intention of the Holy See that either the ordinary or extraordinary confessor should at the same time be director of the community; the Bishop can appoint a delegate either for each house in particular or for all the houses of the diocese.**

Formerly the Bishop could delegate his authority to a *spiritual director*, to represent him and to govern

the congregation. But since the Sacred Congregation of Regulars has taken into its own hands the government of institutions which have at least received the decree of praise, it has done away with the prerogatives which were formerly attached to that charge; they would now be a derogation from existing regulations. The Bishop can, however, have an intermediary between himself and the approved congregations established in his diocese; the powers of this delegate are limited to the faculties given him by the Constitution "Conditæ."

For diocesan congregations immediately subject to his jurisdiction, the Bishop can delegate a spiritual director for the houses within the limits of his diocese.

Sec. 4. *Manifestation of Conscience*

299. The decree "Quemadmodum" of December 15, 1890, had especially in view the reform of a threefold abuse: *a,* of the manifestation of conscience, which in many communities had become a detailed confession such as should be reserved exclusively for the sacrament of Penance; *b,* of refusing extraordinary or special confessors, when the subjects had real need of them to settle their conscience; *c,* of refusing or permitting to

communicate, not as directed by confessors, but by Superiors. These are the motives which prompted the Sacred Congregation to publish the decree, and to make it obligatory on all congregations, societies, or institutions of women with simple or solemn vows.

300. All religious Superiors are severely forbidden to induce their subjects in any way whatsoever to perform a manifestation of conscience to themselves. (Can. 530 § 1.)

The law does not admit of any exceptions; it applies even to clerical congregations. Therefore all contrary dispositions must be expunged from constitutions, manuals and directories. As all constitutions have to be revised and brought in conformity with the Code, similar dispositions will of course disappear in them, but they should not survive in manuals or directories. It is apparent that whereas such manifestation in clerical congregations is absolutely forbidden, it must with all the more reason be in congregations of women.

301. The Superiors of all communities are forbidden to solicit either directly or indirectly a manifestation of conscience.

The reasons of this prohibition seem to be, 1°, that such superiors have not received the mission to scrutinize or to judge the consciences of others; 2°, that in matters of conscience full liberty is given to confer with the confessor, who has the special mission to direct souls entrusted to him.

The manifestation which the Superiors are forbidden to solicit, is of faults committed, of temptations, dangers, desire of virtue, interior spiritual progress; in a word, all that regards the interior of the heart is withheld from the authority of the Superiors. But this does not apply to exterior transgressions; if, for instance, a Sister leaves the convent without permission, it is the Superiors' right and duty to demand an explanation; if they remark that the Sisters entertain special friendships among themselves or with the pupils, it is their right to investigate, etc. The above also applies to mistresses of novices in regard to the novices.

302. **Superiors guilty of this offence should be denounced.**

This was a positive command of the Holy See binding subjects to denounce Superiors who should have solicited the manifestation of conscience.

It is clear from the wording of the decree that this offence was considered very serious; the punishment to be inflicted was a further proof of it. There may be, however, levity of matter either because the manifestation regarded a point of minor importance, or because the solicitation occurred but once. If the guilty party is one of the subordinate Superiors, the denunciation should be made to the higher Superiors, who in the case of independent communities are the Bishop or the Holy See, or the regular Superior if the congregation is placed under the jurisdiction of a religious order. If the Superior General is the guilty party, she should be denounced to the Sacred Congregation of Regulars. There would be no need of reporting Superiors if no serious fault has been committed or if they have seen their mistake, and with proper apology abstain from further transgression. The decree seems to view habitual transgression.

303. **The Codex does not forbid subjects to manifest their consciences spontaneously and voluntarily to their Superiors. (Can. 530 § 2.)**

Voluntary manifestation of conscience should be made solely for the purpose of obtaining direction in the exercise of virtue or progress in perfection. Even when the manifestation of conscience

is made spontaneously, the Superiors should not encourage it.

304. **Frequent or even daily communion must be promoted especially in religious communities, whatever their nature may be. (Decree "*Sacra Tridentina Synodus.*" N. 7 of December 20, 1905. Can. 595 § 2.)**

If the church so ardently desires to see the practice of frequent and even daily communion revived amongst the Christian people, as the decree says, it is evident that this desire should in the first place find expression in the chosen ones of Christ's flock, who by their state of life must tend to greater perfection and should each day make some progress on the road towards it. The decree makes no distinction between communities, whether they have solemn vows or not. It shall be the special duty of the confessors of Sisters to exhort their penitents to frequent or even daily communion. The Superiors should to a certain extent promote the execution of the decree.

305. **The frequent or daily reception of Holy Communion must be left entirely free to the religious according to the rules laid down in the decree.**

(1) Nos. 1, 2, and 3 of the decree require the following conditions for frequent or daily com-

munion: 1°. The state of grace, that is, absence of mortal sin. 2°. A right and pious intention, that is, religious should not receive merely because they are accustomed to do so, nor for vanity, inspired by human motives, but to fulfil God's wishes, to be more intimately united with Him in charity, and to find in Holy Communion the proper remedy for their infirmities and their defects. The decree demands that they shall be guided by the prudent directions of their confessors. The decree "Sacra Tridentina Synodus" modifies somewhat the decree "Quemadmodum," which gave to the confessor alone the right to allow frequent communion. The other dispositions are confirmed; that is, Superiors, whoever they be, have no right to meddle in this matter for any reason whatsoever. If the rule specifies a certain number of days for Holy Communion, it is merely to indicate the minimum.

306. **If after her last sacramental confession, a Sister had given great scandal to the community, or had committed a serious external fault, the Superior could forbid Holy Communion to her until she had been to confession again. (Canon 595 § 3.)**

307. **The general, provincial, and local Superiors are ordered to carry out the dispositions of the decree,**

under threat of incurring *ipso facto* the penalties reserved for Superiors who violate the orders of the Apostolic See.

308. The present decree, translated into the vernacular language, should be inserted in the constitutions, and must be read aloud within the Octave of Corpus Christi either in the refectory or at a chapter especially called for the purpose.

309. The Bishops, by special delegation, are charged to enforce the full and entire observance of this decree, even in congregations approved by the Holy See.

Sec. 5. *Extreme Unction and Funerals*

310. For the administration of Extreme Unction the same dispositions are required as we have given above for the administration of Holy Viaticum.

311. By common right, the funerals are reserved to the pastors in whose parishes the communities with simple vows are located.

A funeral is a strictly parish right, and therefore the chaplain cannot take the place of the pastor, unless the exemption of the communities from parochial jurisdiction is clearly determined. Generally, however, the Bishops give this right to the chaplains.

Third Part

Interior Government of Congregations with Simple Vows

Book 1

The Superiors in General

THIRD PART

Interior Government of Congregations with Simple Vows

BOOK I

The Superiors in General

CHAPTER I

GENERAL RIGHTS OF SUPERIORS

Art. I. *Right of Domination*

312. **The right of domination is the right acquired by congregations and by Superiors, to command their subjects.**

This right must not be confounded with the right of jurisdiction. Both these rights create for those over whom they are lawfully exercised the moral obligation to submit; but there is a great difference between them. In canon law jurisdiction is a par-

ticipation of the public powers of the church, the power to rule all or part of the Christian people. The persons invested with it are the Pope for all the faithful, the Bishops for their diocesans, the Regular Prelates for their subordinates. The right of domination is of a *private order;* it is the result of paternity, property, contract, and also of the vow of obedience, giving the one to whom it is made the right to command.

313. **The right of domination is indispensable to all Superiors.**

This authority is necessary to every society called upon to govern itself; every form of government requires some sort of authority the lowest degree of which is domestic authority, that we call *domination.* On the strength of it Superiors of religious communities lead their subjects to the fulfilment of the purpose of the congregation by the means determined in the constitutions.

314. **The right of domination is sufficient for the direction of a congregation or of a community.**

This was for centuries sufficient even for monasteries of monks before the church thought fit to confer jurisdiction on their Superiors.

315. **The right of domination is only lawful in as far as it is recognized and authorized by the ecclesiastical Superiors.**

The mutual relation of Superior and inferior in a religious community proceeds in the first place from the act by which the members give themselves to the community for a longer or shorter period according to the nature of the vows. But religious communities, as part of the Church, must always be dependent upon the rulers of the Church. Hence follows that the authority of Superiors is only legitimate when it is recognized and authorized by the ecclesiastical Superiors, that is, by the Pope or the Bishops.

Art. II. *Right to Command*

316. **In religious communities in which Superiors have only the right of domination as described in Art. I, the right to command extends solely to the observance of the lawfully approved constitutions, and to all that concerns the proper direction of the congregation.**

The command of the Superior, having for its object the observance of the constitutions, is limited to what is explicitly or implicitly conformable to them.

The Superior can command anything that is useful,

reasonable, and conformable to the purpose of religious life or to the congregation; so, for instance, a Superior can command a subject even at the peril of her life, to nurse a sick sister, or to go to another house of the congregation, in unhealthy surroundings, unless the constitutions contain in regard to the last point contrary dispositions.

317. **The Superior invested with the right of domination only can oblige in conscience.**

The present canonical dispositions seem to extend also to congregations of women this right, by which a Superior can command in virtue of the vow of obedience, and which creates in the inferior a moral obligation to obey. This right rests upon a threefold foundation: *a*, the vow of obedience, by which a religious submits her will to the will of the Superior; *b*, the virtue of justice, upon which is based the bilateral contract of profession, by which the religious pledges herself to the congregation, and the congregation pledges itself to take care of the religious; *c*, lastly, upon fidelity, in virtue of which promises made should be carried out. The constitutions, however, must be taken into account, because they may limit that power.

Art. III. *Restraining Power*

318. **Superiors of non-exempt congregations, having only the right of domination, can punish, but in a motherly manner and within the limits of the constitutions.**

Their powers are analogous to those of parents in regard to their children. Hence it follows that religious on whom a punishment has been inflicted have no right of appeal; but they are not forbidden to lodge a complaint with the higher Superiors or even with the Holy See, if the punishment should be too severe or unjust.

CHAPTER II

GENERAL CHAPTER

ART. I. *Convocation of the General Chapter*

319. **The General Chapter meets at the time fixed by the constitutions.**

The General Chapter is not only useful, but even necessary to promote the proper growth of the congregation, to curb the authority of the Superior General, and to treat more carefully of the affairs of the congregation. Formerly there were three kinds of General Chapters. First, the *ordinary*, by which the elections at fixed periods are made. Secondly, *of affairs*, in which questions concerning the administration, the discipline, the growth of the congregation, and other such matters determined by the constitutions are discussed; this chapter is generally held every three years; it is very useful to the Superiors in preparing their triennial report to the Sacred Congregation of Regulars. Lastly, the *extraordinary* General

Chapter called to fill the vacancy of Superior Generals, or for some serious matter affecting the congregation. The new Code only provides for the ordinary and the extraordinary Chapter.

321. The calling of an extraordinary General Chapter for any other reason than filling the vacancy in the office of Superior General requires the consent of the Holy See.

322. The ordinary General Chapter is convoked by the Superior General, the extraordinary by the Assistant, in a circular letter sent to the different houses of the congregation.

This circular letter must be sent three months before the holding of the General Chapter, if all the houses are in Europe, otherwise six months before the date fixed upon for said chapter. This is a measure of prudence enabling all capitulars to be present and make the proper preparations for the welfare of the congregation. This circular will prescribe prayers in all the houses of the congregation to obtain God's blessing upon the work of the chapter.

323. The Superior General with her council designates the place of meeting for the chapter.

It would seem desirable that the General Chapter be held at the mother-house, but it is not neces-

sary: the constitutions may make other provisions. The S. Congregation of Religious on July 2, 1921, ruled that in diocesan congregations, the Superior General, not the Ordinary, designates the place.

Art. II. *Members Composing the General Chapter*

324. The active members of the General Chapter vary, according as the congregation is divided into provinces or otherwise.

325. In either case the following persons have active and passive voices: the Superior General and her council, the Secretary General, and the Treasurer General.

In the case of an ordinary chapter they continue to be members of that chapter even after their successors have been elected. The constitutions may concede this right also to ex-Superiors General for all future General Chapters.

326. Neither the Code nor the new *Normae* determine who shall be members of the General Chapter; this should be clearly defined in the Constitutions. If the Congregation is not divided into Provinces, the Constitutions might provide that houses of 12 Sisters or more send the Superior and a Delegate and that the smaller houses combine in the same manner.

The following points are important in the proceedings of a General Chapter: If any one entitled to a place in the Chapter had been wilfully overlooked, and therefore was not present, she may cause an election held in her absence to be declared null and void by the competent authority; provided it be proved that she protested within three days after she was notified of such election. If more than the third part of the electors have been overlooked, the election would be null and void. After a proper convocation, those present on the day fixed have a right to elect. Unless the approved Constitutions provide otherwise, no vote by letter or through a procurator can be received. A vote to be valid must be free, that is, not extracted by fear or fraud; it must also be secret. No Sister can validly vote for herself.

327. **If the Congregation is divided into provinces, the Provincial Superiors and two delegates from each province might be made members of the General Chapter.**

The election of delegates might be made in a provincial chapter or in any other way provided by the Constitutions.

328. **The election of delegates is made by secret ballot, and absolute majority of votes.**

The Constitutions might prescribe that all members of the community, even those with temporary vows, shall have a vote; but only those of perpetual vows are eligible as delegates. The Sacred Congregation has invariably inserted the following two points in the constitutions: the secrecy of the ballot, and the absolute majority to constitute election. The absolute majority is required for the first two ballots; if there is no election, relative majority is sufficient for the third, and if this fails seniority of profession will decide. This same procedure holds good for all elections, including the election of the Superior General.

If the congregation is not divided into provinces, a substitute is elected to attend the General Chapter, should the delegate be unable to do so; if it is divided into provinces, a substitute is elected for each delegate.

Art. III. *Elections to be made at the General Chapter*

Sec. 1. *President, Scrutineers, and Secretary of the Chapter*

330. In congregations approved by the Holy See, the Bishop of the diocese in which the chapter is held, presides at the elections as delegate of the Holy

See, either in person or by a priest delegated by him. (Can. 508 § 4.)

The constitution "Conditæ" extended to approved congregations the legislation of the Council of Trent for religious of solemn vows. The Bishop presides, not as Ordinary, but as delegate of the Holy See, and after the elections are over this delegation comes to an end, because the approved congregations are not subject to episcopal jurisdiction for what concerns the interior administration. The Bishop should be notified in time of the holding of a General Chapter. He may be accompanied by one or more priests, but these cannot in any way interfere in the acts of the chapter.

331. In diocesan institutions, the Bishop presides as Ordinary at the chapter and at the elections.

The Bishop is the first Superior of congregations established in his diocese, and in this capacity he presides not only at the elections, but also at all the deliberations, unless the constitutions approved by him read to the contrary. The constitution "Conditæ" mentions, however, only the elections, at which he presides. On July 2, 1921, the S. Congregation of Religious ruled that, when

a diocesan congregation has houses in various dioceses, the Ordinary of the place, not the one of the mother-house, presides.

332. In the ordinary General Chapter, in which the Superior General must be elected, she shall be acting General until the election of her successor.

The term of the Superior General expires at the meeting of the General Chapter. In the case of an extraordinary General Chapter, made necessary by the death, resignation, or deposition of the General, the first assistant assumes the charge of acting General, until a General is elected.

333. The General Chapter shall elect first of all from among the capitulars two scrutineers and a Secretary.

The Sacred Congregation does not sanction the appointment of scrutineers by the President or the Superior, nor that the chaplain or confessor should act in such capacity, or that the youngest or oldest perform the office. The scrutineers are bound to absolute secrecy, as the matter is very serious; and if they fail in this duty they should be severely punished. Their duties consist in collecting the votes, counting them and comparing their number with the number of voters; if

the number of voters and of votes tallies, they open them and read them aloud before the assembly.

The duties of the Secretary consist in faithfully recording the acts of the chapter for the elections as well as for all other matters submitted. All questions in the chapter are settled by secret ballot.

334. **The scrutineers must collect the votes from any capitular in the house, who through sickness should be unable to attend the meeting. (Can. 168.)**

This applies to capitulars in the house at the time of the meeting, not to those who through sickness should have been unable to attend the chapter. *In diocesan congregations*, the elections are held as stipulated in the constitutions. They should, however, adopt the manner of electing as given by the Sacred Congregation of Regulars, in order afterwards to facilitate the approbation of their constitutions.

Sec. 2. *Election or Re-election of the Superior General*

335. (I) *Preliminaries of the election.* **Preliminary deliberations are generally held before election.**

The purpose of these deliberations is to know and discuss the merits, virtues, and qualities of

candidates. They are very useful as long as charity and justice are not lost sight of. The capitulars may deliberate privately among themselves or in public, but in the last case each must be free to give her opinion.

336. (II) *Conditions of eligibility.* **To be elected Superior General, one must have the age and the years of profession required by the constitutions.**

The new Codex demands as a minimum of qualifications for any one to be elected Superior General that ten years at least have elapsed since her first profession, that she was born of lawful wedlock and have attained the age of forty years. More, however, may be demanded by the constitutions in regard to age and other attainments.

337. **Dispensation from the conditions required is reserved to the Holy See.**

This is a sequel of the approbation of the constitutions by the Holy See. *In diocesan congregations* the Bishop grants the necessary dispensations. In the event that the candidate having the majority of votes does not fulfil all the conditions required for age, profession, etc., there would properly speaking be no election but a presentation. On the ballot should then be

written: *I present N. N.*, and the competent authority may then either confirm the candidate or order a new election.

338. The only mode of election admitted by the Holy See is by secret ballot.

This is intended to guarantee the liberty of voters. Each one is in conscience obliged to vote for the one who appears in her eyes the most worthy. According to St. Thomas the most worthy is the one who not only excels in learning and holiness of life, but is also recommended by the qualities of mind and heart, by prudence, good name, and fitness to rule wisely.

The following is the ordinary procedure in religious communities: After having heard Mass and received Holy Communion, the capitulars are called at the sound of the bell to meet in the room designated. The President then calls to their minds the principal rules to follow, speaks concisely about the conditions for a valid election, and about the necessity of electing the fittest candidate to office. A roll-call of the capitulars is then made. One or more tables shall be prepared with all the requirements for writing; there should be also a stove in the room to burn the ballots in

the presence of the voters. The ballot having been properly filled in is folded and put into the ballot-box by the voter. The box shall then be shaken and emptied upon the table. The ballots shall then be counted and compared with the number of voters; if there should be any discrepancy they are immediately burned. If not, the chairman opens them and hands one after the other to the first scrutator, who reads it and marks on a paper for whom the vote is cast; then passes it on to the second scrutator, who does the same. The chairman and the scrutators then compare notes, and if the result is the same on all the lists, the ballots shall be immediately burned. The President, if she has the right, shall then confirm the election; if she has not, she draws up a document giving the result of the election, to be signed by all capitulars and forwarded to the proper authority for confirmation. In case none have obtained the required number of votes, the chairman may read for the information of the capitulars the names of those who have received votes.

339. **The Sacred Congregation does not allow the names of only a few candidates to be put to the vote of the capitulars.**

No primaries are held to elect candidates, neither should the President propose candidates, nor can she restrict the number of those enjoying passive voice.

An absloute majority is required for the first two ballots, unless the Constitutions expressly state otherwise. If there are any blanks or ballots with names that cannot easily be deciphered, they are deducted from the number of votes cast. An election is had in the event that one of the candidates obtains one more than half the votes remaining. In the third ballot, when in the two preceding none obtained the votes required, a relative majority is sufficient. If two candidates should have an equal number, the President has the casting vote; but if she should refuse to use her right, seniority by first profession or by age should decide the election. This should be clearly provided for in the constitutions.

341. The constitutions determine the duration of office of the Superior General.

Unless the approved constitutions clearly determine that the Superior General is elected for life, the new Codex prescribes that she should be elected only for a certain number of years. The Codex does not forbid that she be re-elected. The

S. Congregation of Religious in a circular letter of March 9, 1920, addressed to all local Ordinaries, disapproves of the re-election of a Superior General beyond the second term of six years, as being contrary to the purpose of the Constitutions. For a third term of six years in succession she is not eligible. The will of the electors and the aptitude of the person are not sufficient reasons to obtain a dispensation. If there are extraordinary reasons, the Ordinary presents the petition to the Holy See. This requires time and puts a great burden upon the Capitulars, who must wait for an answer before they can transact any other business.

342. The Superiors of diocesan congregations, by right of the constitutions, shall be elected by the religious.

In diocesan congregations, the constitutions may prescribe the same form of procedure for the electors and the election itself as applies to approved congregations. Before the final approval of the constitutions by the diocesan Bishop, he could appoint the first General Superior, but it is not desirable that this rather exceptional way should continue indefinitely. The constitutions should also prescribe the limit of re-elections, the

term of office of the Superiors, and the principal officials. On July 2, 1921, the S. Congregation of Religious promulgated an official answer to certain doubts. It settles 1°, that in Diocesan Congregations, having houses in various dioceses, the Superior General, not the Ordinary of the mother-house, decides where the General Chapter shall be held. 2°, that when the General Chapter is held, not at the mother-house, but in another diocese, the local Ordinary of that place has a right to preside at the election of the Superior General, and to approve or to annul the election.

343. *Confirmation of the election.* **An election is confirmed by the declaration of a competent authority that it has been carried out canonically.**

In diocesan congregations the Holy See gives to the Bishop the right to annul the election, that is, to refuse his consent to it; but it would appear that when an election has all the required conditions, the person who has authority to confirm it is not at liberty to do as he pleases, but should confirm it without listening to the jealous objections raised by disappointed individuals, and without showing partiality to the one or the other, thus to avoid division in the communities.

344. **In diocesan congregations the Bishop has full power to confirm or annul an election according to the dictates of his conscience.**

The result of the election must be communicated to the Bishop. If he approves it, the candidate is placed in possession of her charge; if he refuses his consent, the election is annulled and must be repeated. The constitutions should determine whether in this case the Bishop should appoint or whether a new election should be proceeded with.

345. **In institutions approved by the Holy See, the election is final when conformable to canon law.**

Except in cases provided for in the constitutions, the election need not be approved and confirmed by Rome. If there are serious reasons for questioning the election, the case should be sent to the Holy See, who will judge according to the testimony given.

346. *Vices of election.* **It is forbidden to cause the election or rejection of a candidate by fear or any other unfair means.**

Both the natural and the ecclesiastical law, and also the general welfare of the community, require that great care be taken to ensure liberty in the

election of a Superior. The use of unlawful means may even render an election null and void; or at any rate it may be of such a nature that it becomes a duty to inform the proper authority of what has taken place. Among these unlawful means may be mentioned the following: soliciting a vote by promise of charges or favors, removal of voters known to be opposed to one's candidate, intimidating a voter by means of threats, etc. But all must abstain from procuring directly or indirectly votes for themselves or for any one else. (Canon 507 § 2.) This does not exclude a discussion as to the merits of the candidates.

Sec. 3. *Election of Assistants or Councillors, of Secretary and Treasurer General*

347. After the election of the Superior General, the chapter shall proceed with the election of the Assistants, the Secretary, and the Treasurer General.

The elections are made in the order here indicated. The number of assistants is generally four, but the constitutions may determine differently.

348. The Assistants and other general officers shall be elected in the same manner as the Superior General; but if after the second ballot no one has the absolute majority, relative majority shall be sufficient to elect in the third ballot.

349. To be elected to these offices, a Sister must be at least thirty years of age and have made her first profession over ten years before. (Canon 504.)

350. One of the Assistants may be chosen as Secretary General, but not the first Assistant.

If the Secretary is not taken from among the assistants, she shall have no vote at the sessions of the General Council. The Sacred Congregation has invariably refused to admit one of the assistants as Treasurer General; the reason of it is that the General Council has to examine the management of the property and that no one should be judge in his own cause.

351. The Assistant first elected shall be vicar to the Superior General, and shall take her place whenever she is absent from the mother-house, or incapacitated or removed from office.

The Sacred Congregation does not allow the Superior General to choose her first assistant either from among the councillors or from outside; this must be left to the General Chapter.

352. Those elected hold office until the next General Chapter.

We will explain hereafter the course to be followed in case of removal, resignation, or vacancy

of any of these offices. The Bishop does not approve the elections made in approved congregations; his power is limited; he only presides and sees that the sacred canons and the constitutions be observed.

353. In diocesan congregations the Bishop may at the time of approving the constitutions reserve unto himself the right to confirm the election of the superior officials.

As in this case the Bishop is the first Superior of the congregation, and on him rests the responsibility, it is clear that this right should be conceded to him. He may also claim this right in confirming the elections of assistants, Secretary and Treasurer General, Mistress of Novices, and local Superiors. Prudence would naturally prevent his interfering with the appointment of minor officials.

Art IV. *Business to be Transacted in the General Chapter*

354. After the elections have been concluded, the General Chapter shall busy itself with the more important matters concerning the whole congregation, and principally with those requiring the permission or confirmation of the Holy See.

It would be well to appoint a committee of three or five members, whose duty it shall be to prepare the work to be submitted to the chapter, and to report thereon. In its business sessions, besides the affairs to be submitted to Rome, the chapter shall carefully consider the report of the Superior General regarding the moral, disciplinary, personal, material, and financial condition of the congregation and of each house in particular, and also all matters brought to the notice of the chapter by any of the members of the congregation.

355. All questions are to be decided by an absolute majority of the votes in secret ballot.

356. After the elections, the further deliberations are presided over by the newly elected General, and if she was not a member of the chapter, the sessions must be suspended till her arrival.

The Superior General is by right the President of the chapter; she enters into authority as soon as the elections are ended and confirmed.

357. If any of the newly elected assistants, Secretary or Treasurer be absent, they shall be immediately invited, but it shall not be necessary to suspend the transaction of business.

358. Although the duration of the General Chapter should not last longer than necessary, yet no maximum limit of time should be fixed.

It is by no means advisable that the chapter be indefinitely protracted.

359. **The ordinances of the General Chapter shall remain in force until the next General Chapter.**

The right to confirm or reject any modifications in the government or in the constitutions belongs to the Sacred Congregation of Regulars. The same congregation may demand the necessary documents signed by the members of the chapter. With the consent of the President, all decisions, except those reserved to the Holy See, and those about which there is no difficulty, may be promulgated *provisionally*. We say *provisionally* because it is well to put them into practice until the next chapter, before confirming them irrevocably. If the confirmation of the Holy See is required, they may be tried also, but would have no legal force, before confirmation.

360. **The chapter can neither modify nor authentically interpret the approved constitutions, without confirmation by the Holy See.**

This is one of the consequences of pontifical approbation, which reserves to the Holy See all modifications in the government or in the constitutions, or any authentic interpretation of them,

that is, one having the force of law. The chapter may propose changes, and even express a desire that they be approved, but the decision rests with the Holy See.

361. In diocesan congregations approbation of the chapter belongs to the Bishop.

If the chapter introduced changes in the government or in the constitutions, and if the congregation is spread over different dioceses, the consent of each interested Bishop would be required; each Bishop has the same authority over houses in his diocese. For all other measures the confirmation of the Bishop in whose diocese the General Chapter is held would be sufficient, although it is advisable to inform each Bishop of the acts of the chapter.

Art. V. *Provincial Chapter*

362. The Provincial Chapter meets at the time appointed by the constitutions.

The *Normae* make no mention of the Provincial Chapter, but the Sacred Congregation is not opposed to the idea. It seems that the Holy See desires the Provincial Chapter to meet every three years. The regulations governing the General Chapter may be extended to the Provincial Chapter. It is composed of the Provincial, and her

council, the Provincial Secretary and Treasurer, the local Superiors and delegates from the various houses. The elections are made by an absolute or relative majority at a secret ballot, as the constitutions may direct. The acts of the chapter should probably be confirmed by the Superior General and her council. The Provincial Chapter elects the delegates to the General Chapter; the other business to be transacted is to be determined by the constitutions.

CHAPTER III

THE SUPERIOR GENERAL

ART. I. *Duties and Rights of the Superior General*

363. The Superior General lawfully elected governs and rules the congregation according to its constitutions.

The constitutions should determine what the Superior General can do by herself, and for which cases she needs the consent of her council. The Superior General is not supposed to govern each individual in particular, directly and without the intermediary of the local Superiors, although she has the right to command and to correct each one in particular. The local Superiors govern the individuals, while the General Superiors govern the congregation.

364. The Superior General and her council shall fix their residence in the house which is best suited for the general government; she cannot permanently transfer it to another house without the consent of the Holy See.

The residence of the Superior General and her council becomes the principal house and the center of the congregation; it is generally united to the mother-house. The residence must be determined once for all; and if the place is named in the constitutions it is clear that it cannot be changed without the consent of Rome.

365. **The Superior General makes the appointments in the congregation and can change subjects from one place to another.**

For these acts the intervention of the Bishop is not required; a congregation approved by the Holy See governs itself, except in clearly specified cases when the Bishop intervenes.

With reference to the transfer of subjects from one place to another, the Sacred Congregation has decided the question on April 9, 1895. The Superiors have this right independently of the Bishop, even in congregations not yet approved by Rome. In some cases, however, the Superior will do well to inform the Bishop of her decision.

366. **The higher Superiors designated by the Constitutions to hold the canonical visitation, shall at the time determined in the constitutions, visit all the houses subjected to them, by themselves or by others, if they are legitimately prevented.**

The Superior in regard to the visitation acts independently of the Bishop. The constitutions determine the time of the visitation, annually, biennially, or triennially. In case she is prevented from holding the visitation, the Superior General may appoint a visitor to inspect a province or a house, or to enquire into any particular matter, without submitting the question to her council. She would need, however, the consent of her council, if she were to choose outside of her council *a general visitor* under perpetual vows. The visitor, whether the general herself or her delegate, must be accompanied by another member of the congregation.

367. **Every five years, or oftener if the constitutions so determine the Superior General must report to the Sacred Congregation of Regulars about the state of the congregation.**

In approving and recommending new congregations of simple vows, the Sacred Congregation had for a long time prescribed that the Superiors General should send every three years a faithful report of the personal, disciplinary, material, and financial state of their congregations. The object of the report is to keep the Holy See well informed of the state of the congregation so as to be able, by timely warning or correction, to check any lack of observance that may have crept in. But it is clear

that these reports will be of little or no use unless they furnish all the information required. The Sacred Congregation of Bishops and Regulars has prescribed by its decree of July 16, 1906, the form of this report. It has compiled a number of questions, to which the Superiors General must give a correct answer; Pope Pius X in approving the decree commands them to do so. The decree further provides that the report must be signed by the Superior General and each of the assistants, after a careful examination of it. If any of the assistants should deem it her duty to signify anything of great importance, she may do so by private and secret letter to the Sacred Congregation; but let her beware of sending any false reports or particulars. We give in an Appendix the questions to be answered.

368. **The Superior General must see to the administration of the property, without, however, directly interfering with the duties of the Treasurer General or of the local Superiors.**

The reason of this is plain: it is the duty of the Superior General to govern the congregation in its entirety, but not to take upon herself the duties of her subordinates. Frequent interference on her part would hinder the official in the discharge of her duties, deprive her of the confidence of her subordinates,

bring about undue centralization of power, which would be a source of dissatisfaction, criticism, and weakening of the spirit of obedience and submission. It is easy enough for the Superior General to form a correct idea of the temporal administration and the progress of particular houses, either by the canonical visitation, or from the regular reports of the Treasurer General and of the local Superiors.

369. **If in any congregation a monitor to the Superior General is appointed, she shall be chosen from among the members of the council.**

The Sacred Congregation does not generally impose this office, but approves it when inserted in the constitutions. In any case the members of the council should act as monitors to the Superior General.

Art. II. *Canonical Visitation*

370. **It is proper that the visitor should begin the visitation with an address.**

This allocution should be short and furnish the visitor an opportunity to explain the purpose of the visit, to point out the means to make it useful to the community and to each individual, and to show forth its advantages for the maintenance of discipline, and the increase of charity and of respect

towards Superiors. The visitor will recommend simplicity and charity to members in their relations with the visitor; truth and sincerity in all they may have to say. The visitor shall insist especially upon their perfect liberty to speak without fear or human respect. The visitor might also take for the theme of her exhortation one or other important point of the religious life.

There are two kinds of canonical visitations, the ordinary and the extraordinary. The first is one made at regular intervals determined by the constitutions, and in which the visitor takes cognizance of the general condition of the community and of the individuals. The second is one made to enquire about a special fault or about one or more persons and to determine proper remedies.

371. The powers of the ordinary visitor are determined by the constitution; those of the delegated visitor by her letters of delegation.

The constitutions should determine whether during the visitation the authority of the local Superior is suspended or not. The delegated visitor should not take any steps without referring them first either to the Superior General or to the General Council, according as she holds her commission from the one or the other.

372. **The visitor must hear all the members of the community, and ask them about the points on which information is wanted.**

Generally the visitor begins with the youngest member of the community, and ends with the Superior. This, however, is not obligatory, and the order may be inverted. It is not obligatory either to call each of the members, but it is proper. The following are the points to be investigated: the observance of constitutions and customs of the congregation, the keeping of the vows, the relations of the members of the community among themselves, the frequentation of the sacraments, the recitation of the divine office, mental prayer and the exercises of piety, the chapter of faults, the observance of silence at the times and places required, the food, the occupations, study, the parlors, the relations with the outside world. For all that regards the decree "Quemadmodum" the visitor must not put any questions relating to conscience, nor about the manner in which the confessors discharge their duties in the sacrament of Penance; the visitor is at most entitled to know whether the ordinary confessor comes regularly, whether the Superior provides for an extraordinary confessor, and whether there is no interference on the part of the confessors in the administration of

the house. If the religious have any complaint to make about the confessor, it should be made to the Bishop. If the Sisters have any other complaint or serious observation to make, they should make it, even if not questioned about it.

The visitor next visits the various parts of the convent, cells, parlors, class-rooms, etc., and carefully examines the accounts of the house.

373. The members of the community are obliged to reveal to the visitor any serious infractions committed, to the possible prejudice of the congregation.

The obligation to inform the visitor of any serious, exterior, and certain fault committed, and likely to harm the institution or the guilty party, is of itself a serious obligation. For fear, however, of being carried away by any ill-feeling, it may be well to ask the advice of a prudent confessor. When a serious fault must be revealed, it may be done in three different ways: *a*, by speaking of it confidentially to the visitor in order to bring the guilty party with kindness to make proper amends; *b*, by denouncing the fault, and if necessary the culprit, even without producing the evidence, and leaving it to the visitor to investigate in order to verify the accusation; *c*, by accusing the culprit and furnishing

proofs of her guilt. Before denouncing any one, a fraternal correction should precede, at least if good results are foreseen, and no serious inconvenience to the person who undertakes it.

374. The visitor is pledged to secrecy with regard to all she may have heard during the visitation.

The visitor is not allowed to reveal the serious secrets that may have been entrusted to her, without the permission of her informant; she must take particular care that she be not even the indirect cause of her informant being known. By revealing secrets heard during the visitation the visitor may incur rigorous punishment, either at the hands of the Sacred Congregation, if the institution is approved, or of the Bishop, if it is diocesan. The visitor may, however, use the information to watch the religious, to change her with her presumed consent, to give her a reprimand in private, and to impose a penance, provided she can do so without revealing the secret. If the visitor comes to know in the course of the visitation that a serious fault has been committed, such as nocturnal egress, which has caused scandal, but the guilty party is not publicly known, she will then institute a thorough enquiry, and if the guilty party is found, punish her,

but without defaming her before the community. If both the fault and the transgressor are publicly known, the guilty party has no right to her reputation; the visitor therefore may impose a public penance, but preferably refer the matter to the General Council. The visitor must in any case be guided by the constitutions. As the object of a canonical visitation is the spiritual welfare of the members of a community, the visitor must, with kindness first, with severity afterwards, endeavor to bring the delinquents to a sense of their duty. *In diocesan communities* the result of the visitation should be reported to the Bishop, whose duty it is to take notice of any irregularities and to impose whatever punishment he may deem necessary.

375. The visitor should severely reprehend any unjust and false accusation or report either against members of the community or against the local Superiors; but she is not always obliged to punish the false reporters.

It is clear that the visitor must be very prudent in receiving complaints or reports. She must examine the motives which prompted the denunciation, the character and antecedents of the person making it. Acting otherwise would in a short time destroy charity among the members, and respect towards

the Superior. If sincerity and liberty are indispensable on the one hand, charity and justice should prevail on the other, for the success of a canonical visitation.

376. **The ordinary visitor can remedy the abuses reported during the visitation.**

If there be anything to correct or reprehend in the conduct of the local Superior, the visitor would do well to advise her privately. But if the shortcomings of the Superior are serious and likely to do harm to the community, the visitor will discuss the matter before the General Council and take the proper steps to remove the Superior. The same procedure should be followed in regard to the other members of the community.

377. **The local Superior should encourage her subjects to manifest freely and fully to the visitor whatever their conscience may dictate to them.**

Local Superiors sometimes try to prevent this openness towards the visitor. They show their dissatisfaction at the reports they presume to have been made, and try to find out the reporters. This is a very dangerous and harmful way of acting on the part of the local Superiors; by this way of acting abuses will continue and eventually lead to the ruin

of the community. The local Superiors should on the contrary encourage their subjects to tell freely whatever they consider to be for the benefit of the community.

378. At the end of the canonical visitation, the visitor calls the members of the community together, and exhorts them to carry out whatever suggestions have been made.

The visitor should not make any public reprimands, unless the gravity of a fault calls for it. She should exhort the community in a general way to observe the constitutions and insist on a few particular points. If she sees fit, she may make regulations and order them to be carried out. Generally the visitor leaves the execution of her remarks and observations to the local Superior, who will then use tact and prudence in presenting and recommending them to the community.

379. To cover the general current expenses of the congregation, each house shall contribute its share.

The expenses meant here are chiefly those for correspondence and traveling. The whole congregation, not merely the principal house, must pay these expenses. If there should be any balance, the Superior General may use it to aid needy communities.

ART. III. *What the Superior General cannot do*

380. **The Superior General cannot be at the same time local or provincial Superior.**

381. **The Superior General has no authority to modify the constitutions or interpret them authentically.**

a. She cannot modify them, either by adding or changing or by sanctioning derogations; this right is reserved to the Holy See, which approved them, to the exclusion of every other authority, either of Bishop, Superior General, Council, or even the General Chapter. If the chapter considers that changes should be made, it may propose them for the approval of the Holy See. *b*. She cannot interpret the constitutions authentically. There are two kinds of interpretations, the one *authentic*, meaning the explanation of a doubtful point by the proper authority, and giving it the force of law; the other *private*, meaning the explanation given by the Superior according to her way of thinking.

It is therefore clear that the Superior General cannot give an authentic interpretation, as she is not the legislator.

382. **The Superior General cannot dispense from the constitutions, except in a particular case and then only temporarily.**

The Superior General cannot dispense in anything that touches the matter of the vows. The Sacred Congregation is inflexible on this point; recourse, therefore, must be had to it. The power of the Superior General is limited to questions of discipline, and then only in particular cases and temporarily. For general or perpetual dispensations in questions of discipline recourse must be had to Rome, unless the approved constitutions should give this right to the Superior General. This dispensation must be distinguished from what is called *Epikeia*, that is, a prudent and reasonable presumption that the legislator did not intend to bind in this or that particular case, when the law rigorously interpreted would be harmful or too hard to comply with.

383. The Superior General cannot at her pleasure appoint an assistant and delegate her powers to her; this point is determined by the constitutions.

384. The Superior General has no right either to allow or forbid the exercise of active or passive voice in the chapter; as this also is determined by the constitutions.

385. The Superior General must beware of conceiving too high an opinion of her personal dignity, or demanding a corresponding recognition of it from her inferiors.

ART. IV. *Resignation or Removal of the Superior General*

386. **If the Superior General feels that she should resign, she shall submit her reasons to the Sacred Congregation, with which the decision rests.**

387. **If the General Council thinks that the Superior General should be removed from office, it shall also refer the reasons for removal to the Sacred Congregation and submit to its decision.**

In approved congregations the deposition of the Superior General is one of the serious matters beyond the competence of the General Council or even of the General Chapter; the Holy See reserves that right to itself exclusively, after having taken into consideration the motives rendering the step necessary. Numerous objections have been made to the approval of constitutions on this score, which show that this has been for a long time the practice of the congregation.

In diocesan congregations, the removal of the Superior General or the acceptance of her resignation is reserved to the Bishop. If the congregation is limited to one diocese, its Bishop alone settles the case. If the congregation is spread over various dioceses, the Bishops, being equally interested in the con-

gregation, should act by common consent. This solution, it seems to us, rests on art. 5 of chap. I of the constitution "Conditæ," on the strength of which nothing can be changed in the nature or in the constitutions of a congregation, without the consent of all the Bishops concerned.

CHAPTER IV

THE GENERAL COUNCIL

ART. I. *The Councillors*

388. **The councillors shall reside with the Superior General in the principal house; in case of necessity two of them might live elsewhere, provided they can easily be at the meeting whenever it is necessary.**

These prescriptions, as all others taken from the *Normae*, do not constitute a general law; they constitute the actual jurisprudence of the Holy See in regard to congregations of simple vows, especially to those applying for the approval of their constitutions. For all others they are a guide, but the approved constitutions are the law.

The Sacred Congregation desires that, in as far as possible, all councillors be present at the meetings of the General Council. In no case should all the councillors have a different residence from the Superior General.

389. No office should be given to the councillors which would prevent them from properly discharging the duties of their principal charge.

A councillor, therefore, should not be local Superior, Treasurer General, or mistress of novices. There are two reasons why the Sacred Congregation inscribes this measure in the constitutions: 1°. Because the office of councillor is to be considered of such importance that it cannot be conscientiously attended to in connection with other charges. 2°. Because the General Council may be obliged to deal severely with these office-holders, and it would not be right for one to be judge in her own cause; it is better therefore to prevent the possibility of such difficulties.

390. The councillor first elected takes ex-officio the place of the General, in case she is prevented or absent, or during the vacancy of the office.

391. The duties of the councillors consist in giving advice and aid to the Superior General in the government and administration of the whole congregation, and of taking part in all important decisions.

The co-operation of the councillors is taken rather collectively than individually. They should leave to the Superior General the initiative in the govern-

ment of the congregation, and give their advice only when asked. They are, however, free to propose any measure, which they consider to be for the good of the congregation. Before giving their advice, they will try to gather all the information they can about the case submitted; they will then give their opinion openly but humbly; they shall not show any discontent if the other members do not share their views. If they are aware of any abuses in the congregation, they must inform the Superior General of them that she may apply the proper remedy. The councillors must try to work hand in hand with the Superior General.

In the following article we shall see on what questions their opinion must or may be asked.

392. The councillors must keep secret all matters coming to them either in or outside the meetings, in virtue of their office.

This does not include asking the advice of a prudent and wise person, such as the confessor, in matters of great importance. If a councillor is found guilty of revealing a secret, she should be warned seriously, but this offence alone would not call for her removal. If she fails again, she should be punished according to the gravity of the fault,

taking into account circumstances and persons. According to the law it is within the powers of the Council to remove a councillor before the expiration of her term of office; unless the constitutions require the approval of the Sacred Congregation.

In diocesan congregations the constitutions will prescribe the mode of procedure in such cases. If they do not cover the point, the approval of the diocesan Bishop at least would be required.

Art. II. *Matters to be Treated in the General Council*

393. The councillors have a vote in matters of greater importance.

This right, recognized by the *Normae*, has for a long time been established by the Sacred Congregation of Regulars. It does not give absolute power to the Superior General, and has determined the matters for which the consent of the councillors is required.

Among the affairs of greater importance some require, besides the favorable vote of the councillors, the consent of the Ordinary, as for the erection of a new house; others require the approbation of the Sacred Congregation, viz., the suppression of existing houses, the erection of new

noviciates, and the transfer of a noviciate elsewhere, the erection of new provinces, change of residence of the General and her Council, alienation, and the dismissal of a professed Sister with perpetual vows. All other matters are decided by a vote of the Council, viz.: appointment of a Provincial Superior and her assistant, of a mistress of novices, of local Superiors; the prorogation in office for a while of local Superiors, after expiration of the three years; the dismissal of a novice and of a professed Sister with temporary vows; removal of a councillor, of a mistress of novices, or of a local Superior, during her three years, for serious reasons; appointment of a general visitor, who is not taken from among the councillors, in the event that the Superior General is prevented from making a visitation; fixing the place for holding the chapter, appointing a councillor out of chapter time to take the place of one deceased, removed or incapacitated; making contracts or loans approving the accounts of the particular houses.

To this list may be added all matters of importance, requiring the approbation or the permission of the Holy See.

In diocesan congregations the constitutions will determine the cases which require the deciding vote

of the council; also the cases which require the consent of the Bishop or of the Bishops. Except in cases of alienation of the property of the congregation, we do not think that any recourse to the Holy See is ever necessary.

394. The Superior General has the casting vote, except in elections.

It is only possible to have an equal number of votes for or against a proposition, when one of the councillors is absent; as the four councillors and the Superior General represent five votes, an uneven number, purposely to prevent the necessity of a casting vote being required. But as the case may present itself, the Sacred Congregation allows an extra vote in such cases to the Superiors.

395. Elections shall only be held in a plenary meeting.

A plenary meeting will prevent a parity of votes; no casting vote is allowed to the General in the case of elections. But it may happen that one of the councillors is unavoidably absent; what is then to be done? In that case only the Sacred Congregation allows that the local Superior be called to the meeting to complete the number and avoid a parity of votes. Should there be a second councillor ab-

sent, the Sacred Congregation allows that the Council elect a professed Sister with perpetual vows, who for this case only shall take part in the voting.

396. The Superior General shall call a meeting of the General Council, whenever the affairs of the congregation demand.

The constitutions should state the number of meetings and when they are to be held, but the Superior General may call an extra meeting when she deems one necessary. It will be well, when possible, to inform the councillors beforehand of the purpose of the meeting, that they may be prepared for the deliberations.

397. The minutes of the meeting shall be kept by the Secretary General, who shall have no vote, except she be a member of the council.

All the deliberations and decisions must be copied in a special register; the minutes are signed by the Superior and Secretary of the Council; and if the business is sufficiently important, the General may require the signature of all the councillors. It is a good idea to read the minutes at the following meeting. The councillors may demand a secret ballot for all important decisions.

Art. III. *Secretary General*

398. The Secretary General is elected by the General Chapter to take charge of the archives, that is, all the acts and documents which concern the history and administration of the congregation.

The Secretary reports the minutes of the meetings; these reports must be correct or else the councillors have the right of refusing their signatures to them. She shall also keep the records concerning the administration and the history of the congregation, except those of the financial administration, which shall be in the hands of the Treasurer General. It shall also be her duty to write all letters and acts, concerning the congregation, by command and in the name of the Superior General. She is bound to absolute secrecy in all business committed to her.

CHAPTER V

ADMINISTRATION OF PROPERTY IN CONGREGATIONS WITH SIMPLE VOWS

ART I. *Right of Possessing Temporal Property*

399. It is certain that communities or congregations with simple vows, when established at least by episcopal authority, are ecclesiastical bodies and that, like all other societies, they have the right to possess temporal property, necessary to support themselves and their works. This right does not proceed from the civil power.

400. Inasmuch as they are ecclesiastical establishments, they must submit to the church laws concerning the administration of property. This is clear from a decision given to a Bishop by the Sacred Congregation of Bishops and Regulars, dated November 15, 1852, and applying to a congregation not yet approved by the Holy See.

401. The right of property does not belong to persons individually, not even when constituted in

authority, nor to the Pope, who cannot dispose of the property at his pleasure, although he has supreme jurisdiction, and the right of government, which in other words is the right of supreme dominion entirely different from the right of property. This right belongs to the various establishments, under the supreme jurisdiction of the Pope.

402. We find a proof of the above article in chapter II of session XXII of the Council of Trent, which declares that these properties and revenues belong to the churches and other establishments; the persons holding them are simply administrators. The Council of Trent, therefore, does not recognize other owners than the establishments themselves, whether the members be under simple or solemn vows, or even if no vows are made, provided that these establishments have been authorized by the ecclesiastical authorities.

But the ownership and administration of these properties are subject to the jurisdiction of the Pope, who can make special dispositions for safeguarding them, to which the establishments are obliged to submit.

ART. II. *Property of the Congregation and office of the Treasurers*

403. The Superior General has the right only to supervise the administration of the property.

This provision reminds her that she is not the owner of the property, which must be used for the general and particular needs of the congregation, and never uselessly or in any way contrary to poverty, because the Superiors as well as the subjects are obliged to keep the vow, and practice the virtue of poverty. They cannot spend the revenues for uses not approved of, for instance, to provide for the wants of their respective families, to make presents to friends, or to buy for themselves or other religious superfluous things, but they are allowed to give alms, not only of superfluous but even of necessary things, according to circumstances.

404. The Treasurer General administers the property belonging to the congregation, under the direction of the Superior General. There may be other properties belonging to the provinces or to particular houses. (Can. 516 § 2, 531.)

The Sacred Congregation here confirms the general practice according to which the various properties may belong to the institution in general, or

to provinces or to particular houses. These properties are administered by the various Treasurers under the supervision of their respective Superiors.

405. **The Treasurer General is selected outside of the council by the Chapter General. She may be called to the General Council to give information or opportune advice.**

The election of the Treasurer General requires the same conditions for age and profession as that of the general councillors.

406. **In the house, in which the Superior General resides, there shall be a safe secured with three keys, of which the General, the first assistant, and the Treasurer shall each have one.**

This safe contains all the titles, obligations, values, and the money not used for current expenses; the Treasurer shall hold the money required for current expenses. The safe shall not be opened except in the presence of the three just mentioned; if one of them cannot be present, another religious should take her place, preferably one of the council.

407. **The Treasurer General shall keep a correct account of all incomes and expenditures.**

408. **Every six months the Treasurer General shall produce her books and give an account of her administration to the General. After verifying the accounts**

and the cash in hand, the accounts, if approved, shall be signed by the General and her councillors.

The same applies to the administration of the property of a province. The Provincial Treasurer shall show her books every six months; after verifying them with her council, the Provincial shall then report the status of the province to the General.

The local Superiors with their council shall every month examine the books of the Treasurer, and after verification sign them. Every house should have a safe, as provided in N°. 406. Every six months the local Superior shall give an account of the financial situation of her house to the Provincial, or if there are no provinces, to the General. These rules are strict, and their observance is necessary for a good financial administration; all the more so because a religious training is often not in that direction.

409. Each house having a favorable balance of income over expenditure at the end of the year shall send the third part of it to the Provincial; and in like manner the Provincial shall send the third part of balance of the province to the General.

Each house must bear its share of the general charges of the congregation; this share is fixed at the third part of its net profits. This point has

been settled by the Sacred Congregation. The provinces and the houses may give more; the share as given by the Sacred Congregation constitutes the minimum. These funds will provide for the noviciate, juniorate, etc. It does not seem that the Superior General has the right to take the revenues of one house, to assist a poorer one, without the consent of the local Superior and her council, as each house owns and administers its own property.

410. At the end of her term of office the Superior General must give to the chapter a correct account of her temporal administration and show the financial situation of the congregation.

The financial reports are made out by the Treasurer General, and examined by the General Council before they are presented to the General Chapter. The General Chapter then appoints a commission of three, not members of the General Council, to examine the accounts and report to the chapter.

Art. III. *Alienation of Property*

411. The alienation of property belonging to a religious community or to a congregation requires the previous consent of the Holy See, in some cases.

By alienation the law understands not only the transfer of direct dominion to another person, but

also every act transferring the indirect dominion, or the diminution of an acquired right, by which the property is depreciated. For the alienation of the property of congregations requires, as also for other acts of administration forbidden by the Sacred Canons, an apostolic indult or permission from the Holy See is required. The Holy See may give its consent in two different ways: 1°, by authorizing this or that particular alienation, for which good reasons have been produced; 2°, by granting a special indult either to the Superiors General or to the Bishops, allowing them for a certain time and for a certain amount to authorize alienations.

The personal property of the religious is not subject to this restriction, unless it should have been directly or indirectly made over to the congregation.

412. **Property cannot be alienated at a less price than is indicated in the estimate.** (Canon 1531 §1.)

When an application is made to the authorities in Rome for permission to alienate property, a minimum estimated price must be given in the petition. Superiors should not rely upon themselves entirely in estimating the value of a property, but seek if possible the advice of competent persons.

When the application is granted, a higher price may be accepted, but the property cannot be disposed of at a less price than the estimated minimum.

413. **The alienation should be made by means of a public auction, or at least the sale should be well advertised, unless special circumstances suggest a different course. The property should be sold to the one who offers the highest price, all things being properly considered.** (Canon 1531 § 2.)

The money realized from the sale should be securely and usefully invested for the welfare of the congregation. (Canon 1531 § 3.)

414. **If precious objects or other property, the estimated value of which exceeds the sum of 30,000 Francs, or offered for sale or to be alienated in any other form, the subsequent contract would be null and void, unless an apostolic indult had first been obtained.** (Canon 534, 1532.)

Precious objects are such as are of considerable value on account of their artistic design, rarity or antiquity, gold or silver vases, costly vestments, libraries, etc. In the petition sent to the Holy See to obtain an apostolic indult, true and serious motives must be given, such as, the needs of the congregation, or of a particular house, or the evident utility of the alienation. The Superior General cannot by herself

judge of these motives, she needs the consent of her council. The consent of the Superior General and her Council must be given in writing. The constitutions should contain the above dispositions.

In diocesan congregations, the consent in writing of the local Ordinary is also required. Whenever an application to the Holy See must be made, it must be endorsed by the Ordinary. The capital constituting the dowries of the Sisters can never be alienated without the consent of the Holy See.

415. **The above regulations also apply to debts and other financial obligations. When they exceed the sum of 30,000 francs, an apostolic indult is necessary. If they do not exceed that sum, the Superior with her Council can allow them in writing. In the petition addressed to the Holy See for permission to contract debts or other financial obligations, exceeding the sum of 30,000 francs, any existing debts or obligations, by which the congregation, the province or the house is encumbered at the time of applying, must be expressed; if that is neglected, the permission if granted is null and void.** (Canon 534.)

416. **If a congregation, a province, or a house contracts debts or obligations, even with the Superiors' consent, it is separately responsible for them.** (Canon 536 § 1.)

417. **If an individual religious contracts debts or obligations, without any permission of the Superiors,**

she alone is responsible, not the congregation, the province, or the house. (Canon 536 § 3.)

418. **Superiors should be careful not to allow debts to be contracted, unless beyond a doubt the interest can be paid from the ordinary income, and that the capital can be refunded within not too long a lapse of years, by reserving part of the revenue for the sinking fund. (Canon 536 § 5.)**

Contributions from the property of a congregation, a province, or a house are not allowed, except by way of alms, or for any other just cause and with the consent of the Superior, and according to rules laid down in the constitutions. (Canon 537.)

Art. IV. *Commercial Business*

419. **Trading is forbidden to religious.**

By trading is here meant the buying of an object with the intention of selling it at a higher price, without having changed or improved it. It matters not whether they do it by themselves or have it done by others, as both are prohibited. In case even a religious inherited a business establishment, she could not continue the business, nor even leave her portion to the management of the co-heirs in order to share with them the profits. If immediate cessation of the business would cause considerable

loss, the permission to continue for a while should be obtained from the Sacred Congregation of Regulars or from the local Ordinary.

420. **Religious should invest their funds so as to ensure a legitimate return, and not risk them in speculation.**

For the investment of money, the consent of the Ordinary is required in the following cases:

1°. In diocesan congregations it is required for every investment. 2°. In approved congregations it is required when the money represents the dowries of the religious. 3°. It is also required if the money has been acquired from lands or legacies, left to a house for purposes connected with divine worship, or is to be spent in the place itself for charitable purposes. 4°. The Ordinary's consent is required, whenever in the above cases a change of investment is to be made.

Chapter VI

Mistress of Novices

CHAPTER VI

MISTRESS OF NOVICES

421. The mistress of novices, who must be at least thirty-five years of age and ten years professed, is elected by the Superior General with her council.

The years of profession also include those of temporary vows. The constitutions should specify what qualities are required of a mistress of novices and by whom she is to be appointed. Prudence, charity, piety and faithful observance of all religious obligations should be the chief qualities of a good mistress.

422. **The removal of the mistress of novices rests with the Superior General and her council.**

The mistress of novices should be appointed for a certain length of time; serious reasons are required for her removal.

423. **As mistress of novices a religious should be elected who by her teachings and examples is qual-**

ified to train novices to the duties of their state.

This principle is best explained in the words of Clement VIII in his constitution "Cum ad regularem" which apply also to the assistant mistress: "Both should be well instructed, and in as far as it may depend upon the discernment and zeal of Superiors, have led exemplary lives in the past, and besides be women of prayer and mortification, very prudent, charitable, serious yet affable, uniting zeal with meekness; be mistresses of their own souls and of all the movements of their hearts, so as to appear exempt from passions, especially of anger and resentment, so often opposed to the love of one's neighbor and of one's self. They should in all things give such good example that those under their charge may rather respect than fear them, and find nothing to criticise in their conduct." The mistress of novices must have full authority in all that concerns the education of the novices, and the direction of the noviciate, without prejudice, however, to the authority of the higher or local Superiors, who are entitled to oversee the discipline of the noviciate. The mistress of novices should give the example of obedience to Superiors, and keep them informed about the moral and disciplinary condition

of the noviciate. This in a manner will lessen her responsibility, and the advice of her Superiors will help her to discharge faithfully the difficult duties of her office.

424. **The mistress of novices should not be encumbered with any other charge, preventing her from taking the proper care of the noviciate; she should not belong to the General Council. Whenever questions affecting the novices or the noviciate are discussed in the General Council, the mistress should be called to give her opinion and any information required.**

425. **To the mistress of novices, an assistant may be given of at least thirty years of age, and five years of profession.**

The assistant is named by the same authorities as the mistress of novices; she must submit to her and be guided by her in her work for the novices.

CHAPTER VII

PROVINCES AND THEIR SUPERIORS

426. An approved congregation cannot be divided into provinces without the consent of the Holy See. (Can. 494 § 1.)

The Sacred Congregation is favorable to a division into provinces, when the spreading of the congregation demands more than one noviciate, and renders the administration from one center too difficult. A request for a division must first be decided upon by the general council, and then be submitted for confirmation to the Sacred Congregation. A province should consist of at least three houses. The Holy See reserves to itself the uniting of existing provinces, the changing of limits, the creation of new provinces and the suppression of existing ones.

427. **The appointment of a provincial and her council is made by the General Council.**

428. **The administration of a province is framed after that of the congregation. It is proper that each province should have its own noviciate.**

The erection of a noviciate always requires the consent of the Holy See in approved congregations. The Provincial and her council admit the postulants to the habit and the novices to profession; but this admission must be confirmed by the General. Although the noviciates are dependent upon the provincials, yet the appointment of the mistress of novices is made by the General and her council, unless otherwise provided for in the constitutions.

429. **The Superior Provincial shall visit the houses of her province at least once a year, and give an account of her visit to the Superior General.**

CHAPTER VIII

LOCAL HOUSES AND THEIR SUPERIORS

ART. I. *Local Houses*

430. **No house can be erected without the consent of the General and her council and the permission of the Ordinary.**

The General cannot act in this case independently of her council. The Ordinary's permission in writing is required.

431. **In missionary countries no house can be erected without the previous consent of the Sacred Congregation of Propaganda. (Canon 497 § 1.)**

Missionary countries are those subjected to the Sacred Congregation of the Propaganda. In these countries, for the erection of any religious house, whether of a diocesan or of an approved congregation, the consent of the Ordinary in writing should be obtained and then a petition sent to the Holy See. The permission to found a new house carries with it permission to exercise the pious works of the congrega-

tion, on the conditions that may have been added to the permission. But it does not necessarily imply the building of schools, hospitals or other institutions of that kind; the special written permission of the Ordinary is required and sufficient for that. To turn a house to different uses than those for which permission had been obtained, the above procedure is also required. The Apostolic Constitution, "Sapienti consilio," of Pope Pius X withdrew all religious, as such, from the jurisdiction of the Propaganda and subjected them to the Congregation of Regulars. All questions concerning them, as religious, must be referred to the Congregation of Regulars, even in missionary countries. Since the above Constitution went into effect, that is, since Nov. 3d, 1908, the following English speaking countries are no longer considered as missionary countries in the canonical sense: The United States, Canada, Newfoundland, England, Ireland and Scotland.

432. **No new house should be erected without a convenient number of Sisters, who can be supported. (Can. 496.)**

The new Codex provides that six professed religious at least constitute a formed religious house and it also provides that no new house should be erected, unless prudent judgment suggest that out of its

own income, or from ordinary alms, or from other sources the religious can be properly supported.

433. 1°. A house of a diocesan congregation cannot be suppressed, except by the authority of the Ordinary, after hearing the Superior General, unless one house constituted the whole congregation, in which case the consent of the Holy See is required. A recourse may be taken to the Holy See, and pending the appeal the suppression could not take effect. 2°. In approved congregations, a house may be suppressed by the Superior General with the consent of the Ordinary.

Art. II. *Local Superiors*

434. **The local Superior must have made perpetual vows. (N. 311.)**

The Codex does not mention the age required; the constitutions should provide for that.

435. **Local Superiors should not be appointed for more than three years at the expiration of which they may be reappointed, if the constitutions allow; but they cannot be appointed for a third term in the same religious house. (Canon 505.)**

At the expiration of the three years the authority of the local Superior ceases, unless previously confirmed for another term or unless the constitutions, fore-

seeing that the Superior General may omit to fill the vacancy, determine that the outgoing Superior shall act until the appointment of her successor. If the constitutions are silent on this point, the government of the house passes into the hands of the assistant.

To avoid troubles, the authentic letters of appointment or of confirmation of a local Superior shall publicly be read to the religious of the community. In these points again the approved constitutions must be followed, even if they should deviate somewhat from ordinary prescriptions.

436. **The local Superior, during her term of office, cannot be removed or transferred, except for serious reasons and with the consent of the General Council.**

When the constitutions fix the duration of office, a Superior is irremovable during that time. Great reasons are required for a removal or a transfer, such as: scandal given to the community; troubles caused by her severity or her weakness; notorious unfitness for the office. The decision rests with the Superior General and the General Council. If the constitutions determine no mode of procedure in such cases, the Superiors must act prudently and follow the prescriptions of the common law.

437. **The local Superior has the authority which the constitutions allow her, and is not merely the representative of the Superior General. On the strength of this authority she can, in particular cases, dispense from the one or other article of the constitutions.**

The authority of the local Superior does not proceed from a simple delegation of the General, but from the constitutions which determine its extent.

438. **The local Superior is assisted by two councillors, named by the Provincial if the congregation is divided into provinces, or else by the General.**

No prescriptions determine the qualities required of the councillors; the constitutions should provide. The local council treats all the important questions concerning the community, such as, approbation and verification of accounts, new constructions or extensive repairs, appointment or removal of local officers; but all its decisions must be submitted to the Provincial or the General. If in a community there is no conventional chapter, the Superior will do well from time to time to communicate to the professed Sisters decisions made in the council; this seems proper to create harmonious feelings in the community.

439. **All other officials of the house are appointed by the local Superior with her council.**

Formerly these appointments were often made by the Provincial or General; this rule of the *Normae* perfectly represents the jurisprudence in vogue in the Sacred Congregation, and appears more reasonable. If a local Superior is responsible for the government of her community, she should be free to make the appointments. There is no objection, however, to the Superior communicating these appointments to the Provincial or the General.

440. **The temporal administration is entrusted to a Treasurer, which charge cannot be combined with that of local Superior.**

The new Codex permits that the office of local Treasurer may be combined with that of local Superior, if necessity demands.

Art. III. *Sacristan and Portress*

441. **The constitutions must explain the duties of these two officers in distinct chapters.**

In the chapter concerning the sacristan, the constitutions must mention what this official shall do or omit, but without inserting any ceremonies or

rites, and certainly nothing concerning the priest.

The portress is obliged every night to bring the keys to the Superior; she may not call any one to the parlor, without the consent of the Superior, neither without the knowledge of the Superior may she act as intermediary between the Sisters and the outside world. This office should be entrusted to a person wise, discreet, and of mature age; she should have her room near the door to be able to answer calls promptly; she should be charitable to the visitors and especially to the poor.

Directory — Book of Customs — Ceremonial

442. In the course of this work we have often mentioned these three books in use in religious communities. Each congregation has its own, but all have this common feature, that they are added to the constitutions without sharing their authority or obligation. They are not approved by the Holy See, because they are subject to change according to time and place. They should contain details which cannot find place in the constitutions. These books are the Directory, the Book of Customs, and the Ceremonial.

443. The Directory is generally a manual of theological, moral, or ascetic observations, which show the religious the best way to perform their duty and practice the virtues of their state. It quotes by preference the counsels and exhortations of the founders or other members of the congregations, remarkable for their holy life. The Directory imposes no other obligation than that common to all religious congregations of tending to perfection by the practice of the evangelical counsels, and the exact observance of the laws of God, the laws of the Church, and the constitutions.

444. The Book of Customs is a manual of the customs of a congregation in detail. It regulates the exterior acts of life, the different exercises and the time they are to take place, the various duties of the officers in the house, how they are to be carried out, the arrangement of the house, the method to follow in the works of the community; all this can only be done superficially in the constitutions. These customs may be different, according to times and places, and may be amended by the General Chapter which approves them, except on points settled by the constitutions. The Book of Customs does not bind in conscience. In diocesan congregations the Bishop approves the Book of Customs.

445. The *Ceremonial* is a manual of ceremonies, and of the different acts of religion performed by the members either in the choir or on special occasions, such as, taking the veil, profession, etc. In itself the ceremonial has no liturgical value, as it is not approved by Rome; it must not clash with decrees of the Sacred Congregation of Rites and the ordinances of the Bishop.

446. We will add a warning against false devotions, often found in manuals of prayer in use among communities. If the congregation has any special prayer-book, it should be inspired with the spirit of the Church, of its teaching and that of the doctors and authors renowned for their science, their wisdom and their piety. False mysticism and religious sentimentality must be absolutely avoided. The chief place should be given to the liturgical prayers; new and scarcely authorized prayers should not be recognized. These prayer-books must be approved by the Bishop before publication. Even for private devotion no prayers should be used which have not episcopal approbation.

APPENDIX A

CONSTITUTION "CONDITÆ A CHRISTO"

Apostolic Constitution of our Holy Father Leo XIII, by Divine Providence Pope, concerning religious congregations with simple vows.

Leo, Bishop, servant of the servants of God, for a perpetual remembrance.

The Church founded by Christ possesses by divine right such strength and fecundity that it has given birth in times past to a great number, and in the last century to a still greater number, of religious families of both sexes, who, pledging themselves by the sacred bond of simple vows, devote themselves holily to different works of religion and mercy. The greater number, urged onward by the love of Christ, have extended beyond the narrow limits of a city or of a diocese, and under common rule and government have formed themselves into perfect congregations and continue to grow.

There are two sorts of congregations: the first

have obtained the approbation of Bishops only, and for that reason are called *diocesan*; the others have had besides this a decree of the Roman Pontiff issued in their favor, inasmuch as he has recognized their laws and statutes or granted them his recommendation and approbation. It appears to some uncertain and controvertible what rights the Bishops should have over these two sorts of religious families and what reciprocally their duties should be towards the Bishop. In so far as diocesan congregations are concerned the question is not difficult to solve, because these have been established and exist by the sole will of the Bishop. But the question is far more serious when it concerns the congregations approved by the Holy See, because these extend to many dioceses, have the same laws and the same government, therefore with regard to these it is necessary that the Bishop's authority should be regulated and restricted within certain limits. What these limits should be may be gathered from the manner in which the Holy See generally approves similar associations, and which consists in approving a congregation as a religious society with simple vows under the authority of a Superior General, without prejudice to the jurisdiction of the Ordinaries, according to the sacred canons and the apostolic

constitutions. From this it is clear that such cannot be classed among the *diocesan* congregations, nor be subjected to the Bishops, except within the confines of each diocese, and without prejudice to the administration and the direction of their Superior General. In same way, therefore, as the Superiors General of these societies are not allowed to trespass on the rights and the authority of their Bishops, so also the Bishops are forbidden to arrogate to themselves the authority of these Superiors. If it were otherwise, these congregations would have as many Superiors as there are Bishops in whose dioceses the congregation has been established; this would put an end to unity of administration and of government. It is necessary that the authority of the Superiors of these congregations and of the Bishops be concordant and unanimous, but to this end it is required that each one should know and respect in their integrity the rights of others.

To effect this and to remove all controversy for the future, and in order that the authority of the Bishops, which We, as is just, desire to keep intact everywhere, may not suffer thereby, it has seemed necessary, after having taken the advice of the Sacred Congregation of Bishops and Regulars, to establish two chapters of regulations, the one treating of

those congregations which have not as yet obtained the recommendation or approbation of the Holy See, the other treating of those which have been recommended or approved, or whose statutes have been recognized by the Holy See.

The first chapter lays down the following rules:

I. It is the Bishop's privilege not to receive into his diocese any newly founded congregation before he knows and has approved its rules and constitutions, after having convinced himself that they do not contain anything contrary to faith and good morals, nor to the sacred canons and the decrees of the Soveregin Pontiffs, and that they are conformable to the purpose of the congregation.

II. No house of a new congregation can legally be founded except with the assent and the approval of the Bishop. The Bishop shall not give permission to build without carefully ascertaining who the applicants are, whether their sentiments are upright and honest, whether they are gifted with prudence, and whether they are led by the zeal for God's glory and the desire of their own salvation and that of their neighbor.

III. Rather than found or approve a new congregation of some kind, the Bishop would do better to make choice of one that has already been approved

and which serves a similar purpose. Except, perhaps, in missionary countries, no new congregation should be approved which without any specified and proper purpose would embrace the practice of all kinds of works of piety or charity, however different they might be in themselves.

The Bishops should not permit any new foundation unless it be provided with the necessary means of support for its members. They must be cautious and even reluctant in approving congregations which are to live on alms, or religious families of women who would wait on the sick in their homes day and night.

If any new congregation of women proposes to open within its houses hospitals to receive men and women promiscuously, or asylums to receive sick priests to be nursed by the Sisters, the Bishops shall not approve such project but until mature and severe examination has been made.

Moreover, the Bishops shall not permit religious women to open houses in which men and women from outside can find board and lodging for a monetary consideration.

IV. No diocesan congregation can establish itself in another diocese without the consent of both Bishops, viz; of the diocese which it leaves, and of the diocese to which it goes.

V. If a diocesan congregation extends to other dioceses, nothing can be changed as to its nature, or its rules, except with the consent of all the Bishops in whose dioceses it has houses.

VI. Congregations once approved should not be disbanded except for serious causes and with the consent of the Bishops to whom they are subjected. Separate houses, however, may be suppressed by the Bishops in their own dioceses.

VII. The Bishop must be informed about each of the candidates who ask to be received, and also of those who are to be admitted to profession; it shall also be the Bishop's duty to examine them, as is customary, and to receive them if there be no objections.

VIII. The Bishop has the power to dismiss professed Sisters of diocesan congregations and dispense them from their perpetual or temporary vows, except from the vow of perpetual chastity (at least by their own authority). Care, however, should be taken that by this dispensation there be no trespassing on the rights of others, which would be the case if the Superiors were ignorant of the dispensation or justly opposed to it.

IX. The Superiors by right of the constitutions shall be elected by the religious. The Bishop, how-

ever, either personally or by a delegate, shall preside at such election; he has full power to confirm or to annul the election according to the dictates of his conscience.

X. The Bishop has the right to visit the houses of every diocesan congregation, and to inquire about the manner in which virtue is practiced, and discipline is observed, and to examine the accounts of the administration.

XI. It is the Bishop's right to appoint priests for the liturgical offices, also as confessors and preachers, and to regulate the administration of the Sacraments for diocesan congregations as well as for the others; this point will be further explained in the following chapter (No. VIII).

The second chapter of regulations, treating of congregations of which the Holy See has either recognized the rules, or recommended or approved the institution, lays down the following rules:

I. It is the right of the Superiors of these congregations to receive novices, and to admit them to the habit or profession; the Bishop, however, retains the full right granted to him by the Council of Trent, to examine, ex-officio, candidates for the habit or for profession in congregations of women. The Superiors of these congregations have equally

the right to organize the individual houses, to dismiss novices and professed; in doing so they shall observe whatever the rules of the congregation or the pontifical decrees prescribe. The right to appoint to offices and charges, whether these regard the whole congregation or individual houses, belongs to the *chapters* and councils of each house. In congregations of women, the Bishop, as Delegate of the Holy See, shall preside either by himself or a delegate over the chapters wherein these appointments are made.

II. The right to dispense from vows, whether temporary or perpetual, is reserved to the Sovereign Pontiff. No Bishop has the right to modify constitutions after they have been approved by the Holy See. So, also, it is not permissible that Bishops change or limit the authority granted to Superiors by the constitutions, either to the Superiors of the whole congregation or to those of the separate houses.

III. The Bishops have the right in their own dioceses to permit or to forbid the erection of new houses, also the erection of new churches by the congregations, the opening of public or semi-public oratories, the celebration of Mass in the private oratories, the public exposition of the Blessed Sacra-

ment to the veneration of the faithful. It belongs equally to the Bishops to prescribe solemnities and public prayers.

IV. For houses of those congregations which have *episcopal enclosure* the Bishop's rights, conferred upon them on this subject by the pontifical laws, remain intact. For those who have *partial enclosure*, as it is called, the Bishop must see that it is properly kept, and that in this respect no abuse creep in.

V. The members of these congregations whether men or women are, inasmuch as the internal tribunal is concerned, subject to the authority of the Bishop; but where the external tribunal is concerned, they are subject to him only in what regards censures, reserved cases, dispensation of vows, not reserved to the Sovereign Pontiff, prescription of public prayers, dispensations and other concessions which the Bishops are entitled to grant their diocesans.

VI. If religious ask to be promoted to sacred orders, the Bishop must take care not to ordain even those dwelling in his own diocese, except on the following conditions: that the candidates be presented by their Superiors, that all the prescriptions of canon law in regard to dimissorial or testimonial letters be observed, that the candidate have a title for ordination, or be legitimately exempted from it,

and that they have studied theology as provided in the Decree "Auctis admodum" of November 4, 1892.

VII. In regard to congregations living on alms, the Bishops retain the rights mentioned in the decree "Singulari quidem" promulgated by the Sacred Congregation of Bishops and Regulars on March 27, 1896.

VIII. In spiritual matters, the congregations are subject to the Bishops in whose dioceses they are established. It belongs therefore to the Bishops to appoint and approve priests for saying Mass and preaching. In case of congregations of women, the Bishop shall appoint both the ordinary and extraordinary confessors according to the constitution "Pastoralis Curæ" of our predecessor Benedict XIV, and to the decree "Quemadmodum," dated December 17, 1890, of the Sacred Congregation of Bishops and Regulars; this decree applies to congregations of men whose members are not promoted to Holy Orders.

IX. The administration of the property of each congregation rests with the Superior General and his or her council. The revenues of each house are to be administered by its particular Superior, according to the rule of each congregation. If funds have been given or left to a particular house with a view of providing for the needs of divine worship, or for a

local charitable work, the Superior of the house shall have the administration of such, but shall report to the Bishop and carry out his instructions if required. The Superior of the whole congregation shall not conceal or withhold any of these properties from the Bishop, nor apply them to other uses. The Bishop may examine, as often as he chooses, the accounts of receipts and expenditures of these properties; he shall also see that the capital is not decreased nor the interest spent inconsiderately.

X. Wherever the congregations have the care of establishments, such as academies, hospitals, schools, asylums, these establishments are subject to the supervision of the Bishop in all that concerns the teaching of religion, good morals, the exercises of piety, the administration of the sacraments, whilst at the same time the privileges granted by the Holy See to such colleges, schools, and establishments remain intact.

XI. In all the houses of congregations professing simple vows, the Bishop of the diocese has the right of visiting the churches, chapels, public oratories, places designated for the administration of the Sacrament of Penance, and to make regulations about them as he deems fit. In congregations of priests, the Superiors alone shall take cognizance of all that concerns

conscience, discipline, and the temporal administration. In congregations of women or of men not admitted to the priesthood, the Bishop has the right to inquire whether discipline is kept according to the rule, whether sound doctrine and integrity of morals have suffered, whether the enclosure be violated, whether the sacraments are frequently and regularly received. If the Bishop finds anything reprehensible, he shall not immediately come to a decision, but he shall warn the Superiors to take the proper steps; if they neglect to act, the Bishop shall take the necessary steps. In cases of greater importance, admitting no delay, the Bishop shall decide immediately, but he shall transmit his decision to the Sacred Congregation of Bishops and Regulars. The Bishop in his visitation shall chiefly make use of the rights which we have quoted above, with regard to schools, asylums, and other establishments mentioned. In regard to the temporal administration in congregations of women or of men not admitted to holy orders, the Bishop shall not enquire except into the administration of funds and legacies, assigned to divine worship or to help the inhabitants of the place or of the diocese. By what We have decreed and sanctioned above We do not intend to derogate in any way from the faculties and privileges granted

by Our decree or by any other decree of the Holy See, or confirmed by immemorial custom or of centuries, nor from those contained in the rules of a congregation approved by the Sovereign Pontiff.

We decree that the present letters and all they contain shall never be censured or accused of alteration, interpolation, of difference of intention on Our part, or of any other defect, but shall always be valid and in full force, and shall be inviolably observed in court and out of court, by all persons, with whatever dignity or pre-eminence they may be invested; we declare as null and void whatever is done to modify these presents, knowingly or unknowingly, by whomsoever, by whatever authority or under whatever pretext it may be; anything to the contrary notwithstanding.

We order that copies of these letters, even printed, signed by the hand of Our notary and sealed with the seal of a man in ecclesiastical dignity, shall have the same credence as would be given to these documents, as an expression of our will, if they were shown.

Given in Rome, at St. Peter's, the eighth day of December, in the year of Our Lord one thousand nine hundred, the twenty-third of our Pontificate.

Card. Aloisi. Masella Pro. Dat.

A. Card. Macchi

APPENDIX B

ON SOCIETIES OF MEN AND WOMEN LEADING A COMMUNITY LIFE WITHOUT VOWS

1°. A society of women, the members of which imitate the manner of living of religious, in a community under the direction of Superiors, according to approved constitutions, but are not bound by the three ordinary and public vows, is not properly a religion and the members cannot properly be called religious. Such societies may have pontifical approval or be simply diocesan. (Canon 673.) 2°. In all that concerns the erection and suppression of such societies, or of their provinces or houses, the same dispositions apply as to religious congregations. (Canon 674.) 3°. The government of such societies is determined by their own constitutions, and for all that regards manifestation of conscience they come under the same dispositions as all other religious women.

APPENDIX C

LIST OF QUESTIONS TO BE ANSWERED BY SUPERIORS GENERAL OF CONGREGATIONS PROFESSING SIMPLE VOWS IN THEIR QUINQUENNIAL REPORT TO THE HOLY SEE, ACCORDING TO THE INSTRUCTION ISSUED BY THE S. CONGREGATION OF RELIGIOUS ON THE 23RD MARCH, 1922.

Preamble

1°. Which decrees of approbation or of praise has the congregation received from the Holy See, and when?

2. What is the end or particular scope of the Institution?

3. Has the name of the Institution taken in the beginning, or the scope or the habit of the members undergone any change afterwards and by what authority?

4. How many classes of members are there? What vows are made?

5*. How many members have received the

habit of the Institution since the beginning up to now, or at least in the last twenty years?

6*. How many members have left the Institution, from its foundation up to the present, or at least during the last twenty years, and how, during the noviciate, after the temporary profession, or after having taken perpetual vows? Have there been any fugitives or apostates and how many?

7. When was the last report sent to the Holy See?

I. *About the Persons*

(a) *About the Postulants*

8. How many postulants have been received since the last report?

9. Were the testimonials required by the law obtained for each postulant, and especially testimonial letters:

**(*a*) for men in general

**(*b*) for clerics

(*c*) for those (men or women respectively) who had been in a Seminary,

* Questions or part of questions marked with one asterisk need only be answered in the first report after the promulgation of this Instruction; questions marked with two asterisks do not concern congregations of women.

a college, or as postulants or novices in another Congregation? Were these letters signed under oath?

10. Have any special efforts been made purposely to draw members, and especially have the Superiors availed themselves of the newspapers for that purpose?

11. Has sufficient information also been requested concerning their character and morals, whenever that was necessary or opportune?

12. How often, and for which impediments or defects was a dispensation necessary, and by what ecclesiastical Superior was it granted?

13. Have all those, for whom postulancy is prescribed, spent the time allotted in a house, in which the regular observance is kept?

(b) *About the Novices*

14. How many and which houses have a noviciate; and was each one founded by authority of the Holy See?

15. How many novices have received the habit of the Institution since the last report?

16. How many are there at present in the noviciate?

17. Are the novices kept properly apart from the professed?

18. Have all of them a complete copy of the Constitutions?

19. Have all of them, before profession spent a whole and a continuous year in the house of the noviciate under the care of the mistress of novices.

20. Is the mistress of novices free from all offices and charges, that may impede the care and the government of the novices?

21. Has the time of the noviciate, beyond the term established in the Constitutions, been prolonged or diminished, how much and by what authority?

22. Have the novices applied themselves during the first year of the noviciate to exercises of piety only, or have they been put also to other works, and to what kind of works?

23. Have the novices during the second year of the noviciate (when a second year is required), been sent to other houses and has the instruction of the S. C. of Religious of November 3, 1921, been observed?

24. (*In Congregations of Sisters*) Has the Bishop, or his delegate gratuitously enquired into the required disposition of the aspirant before

admission to the habit, to the first temporary profession and to the perpetual profession?

25. Has the administration of personal property, and the disposition about its use and usufruct, been made before profession, whenever there was occasion for it, or otherwise been opportunely provided for?

26. Have the novices freely made, before taking the temporary vows, a testament in regard to their present property, or property that may perhaps come to them?

(c) *About the Professed Sisters*

27. How many members are there at present in the Congregation (*a*) with temporary vows; (*b*) with perpetual vows?

28. Have the temporary vows always been renewed at the proper time?

29. Have the members been admitted at the proper time to take perpetual vows at the expiration of the period of temporary vows?

30 How many professed Sisters or novices have died since the last report?

(d) *About the members who have left or have been dismissed*

31. How many have left the institution since the last report,

(*a*) of the novices
(*b*) of the professed sisters at the expiration of the temporary vows
(*c*) of the same while under temporary vows
(*d*) of sisters after taking perpetual vows?

32. Have the rules laid down in canon law and in the constitutions been always observed in dismissing members, according to the diversity of cases?

33. Has any one (except in the urgent cases mentioned in canons 653 and 668) been dismissed or left:

(*a*) before confirmation of the sentence or of the decree by the Holy See was received, in the case of professed men under perpetual vows; or before receiving the decision of the Holy See, in the case of professed Sisters under perpetual vows.

(*b*) pending the recourse to the Holy See in the case of members under temporary vows.

(*c*) without previous dispensation from the vows taken, applied for by the religious herself.

34. (*In Congregations of Sisters*) Has to those who left for any cause whatsoever, the dowry, in whatever manner it was constituted, been returned entirely together with the furniture, which they brought to the Institution in the condition it was in at the time of their departure?

35. Were to them, who had been received without a dowry, and who could not provide for themselves from their own property, the necessaries charitably supplied, when they left the Congregation, so as to enable them to return home safely and conveniently, and to live honestly for some time?

II. *About the property*

(a) *About the houses*

36. How many houses does the Institution possess, and in which dioceses are they located? Has the Institution any provinces, and if so how many?

37. Have any new houses been opened since the last report, and if so how many? Has the proper authorization been obtained for all, and has the mode of procedure prescribed by the constitutions been followed?

38. How many members of the different classes are there in each house, and in what works have they been employed (in case the congregation has charge of different works)?

39. Has any house been suppressed since the last report and by whose authority?

40. Has each member her own cell, or at least has each one in the common dormitory her own bed, properly separated from all others?

41. Has a place with all necessary conveniences been set aside for the care of the sick?

42. Are there a sufficient number of rooms for the reception of guests, and, as proper, apart from the religious community?

43. (*In Congregations of Sisters*) Has the dwelling of the chaplain, or of the confessor a separate entrance, and has it any communication with the Sisters' dwelling?

(b) *About Finances*

44. What has been the yearly income and expenditure since the last report:

(*a*) of the Institution in general, (*b*) of each house in particular?

45. Has the Institution in general or any individual house in particular acquired, since the last report, any new movable or immovable property, and what is its value?

46. Has the money always been invested profitably, yet honestly and safely?

47. Has there been any loss of property or damage to property since the last report, how much and from what cause?

48. Has any immovable property, or precious movable property been alienated, to what value or by what authority?

49. Have they spent any of their capital?

50. Are there any debts on the property in common, or on any house in particular, and to what amount?

51. Has any new indebtedness been incurred, since the last report, how much and by what authority?

52. Is the administration of the temporal property, of the whole congregation, as well as of each province and each house carried on through duly appointed procurators according to the sacred canons and the constitutions?

53. Have the procurators, general and local, given a report of their administration at stated times; and have these reports been examined and approved in the manner prescribed?

54. Are there any lawsuits pending about the property?

55. Are the monies and other precious things carefully guarded according to the rules given on that subject and to prescriptions of the constitutions?

56. Has any money or precious thing been accepted for safe keeping from lay people, and on what conditions?

57. (*In Congregations of Sisters*) Have the dowries of the Sisters been invested safely and profitably, with the consent of the local Ordinary according to the canonical laws; has any part of them been used to cover expenses, how much, in what manner and by whose permission?

58. Are there any pious legacies or foundations in the Institution, either for Masses to be offered or for works of charity, and which are they?

59. Have these obligations been faithfully carried out?

60. Has the principal of these foundations been rightly invested, and is there an entirely separate account kept of it?

61. Has an account of these foundations been rendered to the Bishop, as prescribed by the sacred canons?

62. How much of the favorable balance of each house has been turned into the common treasury at the end of each year?

63. Have all contributed their share willingly or unwillingly?

64. Has the superior or treasurer any money, of which they can dispose, though for the welfare of the Institution, without rendering any account of it?

III. *About Discipline*

(A) *About the religious life*

65. Are the spiritual exercises prescribed for each day, month, year or other stated times accurately performed in each house?

66. Do all members hear Mass daily?

67. Can all members be present at the common exercises, and are those who are sometimes ex-

empted from the one or the other on account of domestic affairs, given time at least to perform it privately?

68. Are the canonical decrees observed concerning: (*a*) not demanding a manifestation of conscience: (*b*) sacramental confession: (*c*) frequent Holy Communion.

69. Are there confessors appointed according to law; what abuses, if any, have crept in, either on the part of the Superiors restricting the liberty granted by the law, or on the part of the subjects abusing the liberty permitted?

70. Is the ordinary confessor in congregations of Sisters everywhere changed every three years or confirmed by lawful authority?

71. Are the prescriptions concerning the enclosure in the part of the house reserved for the religious faithfully carried out?

72. Are the Religious frequently given permission to go to the parlor, and are the Constitutions on that point observed?

73. Do the Superiors give a companion to Religious leaving the house, outside the case of necessity?

74. Are catechetical instructions given, as also pious exhortations to the lay religious, to the

pupils as also to the servants or those living in the house; in what manner and at what times are they given?

75. Do the members give out any periodicals, or are they contributors to them; which are these periodicals; have in these as also in the editing of books the established laws been observed?

76. Do the members use any books and which, either ancient or modern, even written by hand, edited with the permission only of the superiors of the Congregation?

(B) *About the observance of some special laws*

77. Are all the prescriptions concerning the General Chapter diligently observed; (*a*) in regard to the letters of convocation; (*b*) in regard to the election of delegates; (*c*) in regard to the election of scrutineers and secretary; (*d*) in regard to the election of the Superior General; (*e*) in regard to the election of General Councillors, Treasurer, and Secretary.

78. Has perfect freedom been given to the members for writing and for receiving letters, which are exempted from the inspection of Superiors.

79. Has the law concerning the changes of Superiors after a certain lapse of time been faithfully observed? Have any dispensations been obtained from this law, how many, and from whom?

80. Have the Superior General, and the provincial Superiors rightly performed the prescribed visitations of the houses?

81. Have the Superior General and the provincial and local Superiors called their councillors at fixed times, to treat with them of the business of the congregation, of the province, or of the house?

82. Has due liberty been given to the councillors in these deliberations?

83. Have the elections in the General Council been made freely and according to the prescribed rules?

84. Is common life in force everywhere? Have the Superiors, with the required motherly care, supplied all necessaries to the members, especially with regard to food and clothing? Are there any among the members who procure these things for themselves from outsiders?

85. Is the number of members in any place so inadequate, that they are overburdened with work, with serious detriment to their health?

86. Is provision made that nothing be wanting to the sick of what they need, according to the proper condition of each one, and that their corporal and spiritual needs be relieved with due charity.

**87. (*In clerical congregations*) How many years do students devote to the study: (*a*) of humanities; (*b*) of philosophy; (*c*) of theology? If the courses are followed at home, how many professors are assigned to each course?

**88. Are to the students or even to the teachers other charges committed, that call them away from their studies?

**89. Have all the students: (*a*) completed the whole course of studies before they leave the house of studies; (*b*) properly finished the studies respectively prescribed by the canonical laws before their promotion to the Holy Orders; (*c*) observed faithfully all other points demanded by the sacred canons for admission to Holy Orders (concerning the title of ordination, dimissorial letters, etc.)?

**90. Has the law been kept requiring an examination from priests, at least for five years?

91. Has ever a business been carried on forbidden by the sacred canons? or any art or in-

dustry that brings them in too frequent contact with outsiders? with what safeguard, both for the welfare of members devoting their time to them, and for the edification of outsiders?

92. Do the Superiors endeavor to promote among their subjects knowledge and observance of the decrees of the Holy See, in so far as they concern religious? Have the decrees prescribed by the Holy See to be read, and also their own constitutions, been publicly read?

(C) *About the works of the Congregation*

93. How many persons or classes of persons have been benefited by the works to which the members devote themselves according to the scope of their Institution?

94. If the number of such persons has decreased anywhere since the last report, give the reasons.

(*For congregations which collect alms from door to door*)

95. (*a*) Is the right or the duty to collect alms from door to door clear and certain from the Constitutions?

(*b*) Have the prescriptions of the sacred canons, and the decrees of the Holy See about that been observed faithfully in all things?

96. Have the Congregations of Sisters in their houses any hostelries or hospitals for all classes of persons, even of the other sex, and if so, with whose permission, and with what safeguards?

97. Have the Sisters taken upon themselves the care of the domestic department in seminaries, or any other houses of ecclesiastics, and in what manner?

98. Do the Sisters practise any works of charity (such as taking care of infants, of confinements or surgical cases) which appear improper to virgins consecrated to God and wearing the religious habit?

99. Do the Sisters who wait on the sick in private homes always use the precautions prescribed by the Constitutions?

100. Have the Superiors allowed Sisters to dwell in the houses of seculars and for how long?

**101. (*For congregations of men*) Do they have under their authority or direct any Institute of Sisters as depending from or associated with

them, directly or indirectly, and if so, by what authority?

102. Has, since the last report, any new work, or rather any new kind of work been added to those already existing, and by what authority?

103. Have any abuses crept into the congregation, or the individual houses, and which?

104. Are there any disputes or difficulties existing: (*a*) with the local Ordinaries; (*b*) with the confessors; (*c*) with the chaplains?

105. (*For lay congregations of both sexes*) Have they houses in which young men or young women respectively are received to dwell, who frequent public lay schools, in what places or what schools they go to, how and by whom is their religious instruction provided for?

The answers to the above questions must be signed, after mature deliberation, not only by the Superior General, but also by each of the general Councillors or Assistants. In the case of a congregation of women, they must be signed also by the Ordinary of the place, in which the Superior General with her council resides.

If any of these Councillors or Assistants deems it her duty to notify the Holy See of anything

else of great importance, she can do so by a private and secret letter. But she must remember her condition, and know that her conscience will be seriously burdened, if she presume to expose in these secret letters anything that deviates from the truth.

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DECREE

QUEMADMODUM OF 17TH DECEMBER, 1890

Just as it is the fate of human things, how praiseworthy and holy soever they may be in themselves, even so is it of laws wisely enacted, to be liable to be misused and perverted to purposes opposed and foreign to their nature. Wherefore it sometimes happens that they no longer serve the purpose which the law makers had in view; nay, they sometimes even produce quite a contrary result.

Much it is to be deplored that such has proved to be the case with the laws of several Congregations, Societies, and Institutes, both of women who emit simple or solemn vows, and of men who by their profession and discipline are merely laymen. For, inasmuch as occasionally their Constitutions permitted the making a manifestation of conscience, in order that thereby the members might the more easily learn, in their doubts, from experienced Superiors, how to walk in the path of perfection, it has happened, on the contrary, that some of the latter have introduced the practice of thoroughly inquiring into the state of their subjects' conscience, which is a thing reserved exclusively to the Sacrament of Penance. In like manner, and in con-

NOTE.—The decree "Quemadmodum" need no longer to be inserted in the Constitutions or to be read.

formity with the prescriptions of the Sacred Canons, it was ordered that Sacramental Confession in all such communities should be made to the respective Ordinary and Extraordinary Confessors; while, on the other hand, the arbitrary conduct of some Superiors has gone so far as to refuse to their subjects an Extraordinary Confessor, even in cases where the conscience of the persons so refused stood greatly in need of such privilege. These Superiors were given a rule of discretion and prudence for the purpose of enabling them to direct their subjects in a proper and right use of peculiar penitential exercises and other practices of piety; but this very rule, also, was so perverted by abuse that they (the Superiors) took it on themselves to permit, at their pleasure, their subjects to approach the Holy Table, or even sometimes to forbid them Communion altogether. Hence it has happened that such regulations as these, established for the salutary and wise purpose of promoting the spiritual progress of members and fostering in communities the union growing out of peace and concord, have not unfrequently resulted in imperiling the salvation of souls, in deeply disturbing consciences, and, moreover, the disturbance of exterior peace, as it is most evidently proved by the appeals and complaints frequently made to the Holy See.

Wherefore our Most Holy Father, Leo XIII., impelled by the peculiar solicitude for which he is distinguished towards this most select portion of his flock, in the audience which he gave me, the Cardinal-prefect of the sacred Congregation of Bishops and

Regulars, on the 14th day of December, 1890, after carefully and diligently considering everything, has willed, determined, and decreed as follows:

His Holiness annuls, abrogates, and declares of no force whatever, hereafter, all regulations whatsoever in the Constitutions of Pious Societies and Institutes of women who emit either simple or solemn vows, as well as in those of men of the purely lay order (even though the said constitutions should have received from the Holy See approbation in any form soever, even that which is termed most special), in this one point, in which these Constitutions regard the secret manifestation of conscience in whatsoever manner or under what name soever. He therefore seriously enjoins on all Superiors, Male and Female, of such Institutes, Congregations, and Societies to absolutely cancel and expunge altogether from their respective Constitutions, Directories, and Manuals all the aforesaid regulations. Likewise, he declares whatsoever usages and customs in this matter, even such as are from time out of mind, to be null and void and to be abolished.

He, moreover, forbids absolutely such Superiors, Male and Female, no matter what may be their rank and eminence, from endeavoring, directly or indirectly, by command, counsel, fear, threats, or blandishments, to induce their subjects to make to them any such manifestation of conscience, and he commands these subjects on their part to denounce to the higher Superiors such as dare to induce them to make such manifestations; and if the guilty one be the Superior General the

denunciation should by them be made to this Sacred Congregation.

This, however, in nowise hinders subjects from freely and of their own accord opening their hearts to the Superiors, for the purpose of obtaining from their prudence, counsel, and direction, in doubts and perplexities, in order to aid them in acquiring virtues and advancing in perfection.

Moreover, while the prescriptions of the Holy Council of Trent, Sess. 25, cap. 10, de Regul., retain their full vigor, as well as the decrees of Benedict XIV. of holy memory in the Constitution Pastoralis Curæ, His Holiness admonishes Prelates and Superiors not to deny their subjects an Extraordinary Confessor as often as the need of their conscience requires it, and without seeking to find out in any way the reason why their subjects made such a demand, or without showing that they resent it. And, lest so provident a disposition as this should be made illusory, he exhorts the Ordinaries to name, in all localities of their dioceses, in which there are communities of women, well-qualified priests with the necessary faculties, to whom such Religious may easily have recourse to receive the Sacrament of Penance.

As to what regards either permission or prohibition to receive Holy Communion, His Holiness also decrees that such permission or prohibition belongs solely to the Ordinary or Extraordinary Confessor, the Superior having no right whatever to interfere in the matter, save only the case in which any one of their subjects

had given scandal to the community since his or her last confession, or had been guilty of some grievous public fault, and this only until the guilty one had once more received the Sacrament of Penance.

All are hereby admonished to prepare themselves diligently and to approach Holy Communion on the days prescribed in their respective Rules; and when the Confessor may judge conducive to the spiritual advancement of any member to receive more frequently, he may give the needful permission. But whoever receives from the Confessor the permission to receive more frequently or daily Communion is bound to inform the Superior of the same; should the latter think that he has just and serious reasons to oppose such frequent Communion, he is bound to make them known to the Confessor, in whose judgment he must absolutely acquiesce.

His Holiness, furthermore, commands all Superior Generals, Provincial and Local Superiors of the Institutes aforementioned, whether of men or of women, to observe zealously and accurately the regulations prescribed in the Decree under pain of incurring ipso facto the penalties decreed against Superiors who violate the mandates of the Holy See.

He lastly commands that copies of this present Decree, translated into the vernacular, shall be inserted in the Constitutions of the said pious Institutes, and that at least once in a twelvemonth, at a stated time in each house, either in the public Refectory, or in Chapter assembled for this special purpose, this Decree shall be read in a loud and intelligible voice.

And thus hath His Holiness determined and decreed, notwithstanding all things to the contrary, even such as are worthy of special and individual mention.

Given at Rome at the Secretariate of aforesaid S. Congregation of Bishops and Regulars, the 17th day of December, 1890.

I. Card. Verga, *Prefect.*

Fr. Aloysius, Bp. of Callinicum, *Secretary.*

DECREE

"singulari quidem" of 27th March, 1896

1. *Worthy of special help and protection are those women, who, in pious and religious congregations, pledge themselves to God to practice far and wide for the good of the neighbor works of mercy, not only in a direct manner, but also by collecting alms in order to keep up these works, and thereby give an excellent proof of humility, patience, charity, and of other virtues. As, however, this office of collecting alms, owing to the fact that the collectors are women, and taking into consideration the present-day conditions of society, is not without danger, unless it be surrounded with proper safeguards, the Sacred Congregation of Bishops and Regulars, at the request of several Bishops, after diligent and mature consideration, has established and decreed as follows:*

2. I. *In congregations under simple vows the Sisters should not undertake the work of collecting alms, if not*

in the spirit of faith, which tells them that they beg, not for themselves, but for Christ Jesus Himself, keeping in mind His words: WHAT YOU HAVE DONE TO ONE OF MY LEAST BRETHREN YOU HAVE DONE TO ME. *Besides, they should show to the Ordinaries of places, even when merely passing through their territories, deference, respect, and devotion, as to their fathers and protectors; they should go to them for advice, help, and protection, when in need.*

II. *It is not allowed to these sisters under simple vows to collect either in the diocese in which they reside, or outside the same, without the permission of the Ordinary of the place of their respective residence.*

III. *Before collecting outside of the diocese of their respective residence, they must also obtain permission from the Ordinary of the place in which they desire to collect.*

IV. *Nothing, however, prevents Superiors without asking any permission, in order to relieve the needs of houses and works under their charge, from accepting the alms spontaneously offered from anywhere, or even solicit them by letter from respectable and benevolent persons as long as they are not forbidden to do so by their lawful superior for a reasonable cause.*

V. *The Ordinary of the place, in which is located a house of sisters desiring to collect, shall not give them permission,* 1, *if he is not convinced of the needs of the house or of the pious work;* 2, *if the collection can conveniently be made by others to be designated by him. If the necessary funds can be provided by collect-*

ing in the place in which the sisters reside, or within their own diocese, the Ordinary shall not permit them to collect alms outside of the diocese.

VI. *Both permissions shall be granted free and in writing; each Ordinary, taking into consideration circumstances of place, time, and persons, may insert laws and conditions, which he judges opportune before God. The permission of the Ordinary of the community shall contain letters either of authorization to the pastors or other prudent persons, for the sisters collecting within the diocese, or of recommendation to the Ordinaries of other dioceses, for the sisters collecting outside their own diocese. In the letters of authorization he shall order the pastors or other respectable persons to aid the sisters with their advice and to the best of their ability, to watch their ways of acting, and to report to the Ordinary himself if they should learn of any lack of decorum on their part. In the letters of recommendation the Ordinaries of places are requested, each in his own diocese, to protect the sisters whom they allow to collect, and to help them as if they were their subjects.*

VII. *No Ordinary shall allow sisters from another diocese to collect unless they first exhibit the permission of their own Ordinary. To sisters presenting this permission, he may, if he chooses, give his to collect in his diocese. But if the sisters, even when in possession of both permissions, should behave unbecomingly while collecting he shall order them home immediately and compel them by the proper means, if necessary.*

VIII. *Superiors, especially outside of the place where they have a house, shall never send the sisters out collecting, except two and two, mature in years and mind, and that for not longer than a month within the diocese, nor more than two months outside the diocese, and they shall provide them with the necessary amount of money, so that, if compelled by unforeseen circumstances, they may immediately return home. The sisters when out collecting shall always and everywhere show the proper spirit of modesty, shun familiarity with men and useless gossip, avoid noisy gatherings, taverns, and all other improper places, and not tarry longer in the houses than their mission requires. They shall never go alone nor separate from each other unless necessity compels. When traveling they shall go by railroad, if it can conveniently be done; but when possible they shall not leave one place nor arrive at another during the night. They shall notify their coming to the person to whom the Bishop's letter is addressed; and on their arrival they shall report to him and beg him to procure hospitality for them in some pious institution of women, or at least with some respectable woman, but never in a house where they might be exposed to danger. They shall never omit their morning or evening prayers; every morning they shall go to one of the nearest churches to hear Mass; every week they shall go to Confession and Communion. Before sunrise or after sunset they shall not go from place to place to collect. When the time for collecting is passed, they shall without delay and by the shortest route return to their Superior. They*

shall never ask alms with arrogance, or as if due to them, but after having briefly and humbly explained their needs and those of their pious works, they shall accept what is spontaneously offered to them; otherwise let them patiently trust in Divine Providence. They shall also carefully observe all other opportune directions given them by their Superior.

Given at Rome at the Secretariate of the aforesaid S. Congregation of Bishops and Regulars, the 27th day of March, 1896.

I. Card. Verga, *Prefect.*

A. Can. Boccafagli, *Under-Secretary.*

DECREE

SACRA TRIDENTINA SYNODUS OF 20TH DECEMBER, 1905

The Council of Trent, having in view the unspeakable treasures of grace which are offered to the Faithful who receive the Most Holy Eucharist, makes the following declaration: "The holy Synod would desire that at every Mass the Faithful who are present should communicate not only spiritually, by way of internal affection, but sacramentally by the actual reception of the Eucharist" (Sess. 22, cap. 6). Which words declare plainly enough the wish of the Church that all Christians should be daily nourished by this Heavenly Banquet, and should derive therefrom abundant fruit for their sanctification.

And this wish of the Council is in entire agreement

with that desire wherewith Christ Our Lord was inflamed when He instituted this divine Sacrament. For He Himself more than once, and in no ambiguous terms, pointed out the necessity of eating His flesh and drinking His blood, especially in these words: "This is the bread that cometh down from heaven; not as your fathers did eat manna and are dead: he that eateth this bread shall live for ever" (John vi. 59). Now, from this comparison of the food of angels with bread and with the manna, it was easily to be understood by His disciples that, as the body is daily nourished with bread, and as the Hebrews were daily nourished with manna in the desert, so the Christian soul might daily partake of this Heavenly Bread and be refreshed thereby. Moreover, whereas, in the Lord's Prayer, we are bidden to ask for "our daily bread," the holy Fathers of the Church all but unanimously teach that by these words must be understood, not so much that material bread which is the support of the body, as the Eucharistic Bread which ought to be our daily food.

Moreover, the desire of Jesus Christ and of the Church, that all the Faithful should daily approach the Sacred Banquet is directed chiefly to this end, that the Faithful, being united to God by means of the Sacrament, may thence derive strength to resist their sensual passions, to cleanse themselves from the stains of daily faults, and to avoid these graver sins to which human frailty is liable; so that its primary purpose is not that the honor and reverence due to Our Lord may be safeguarded, or that of the Sacrament may serve as a

reward of virtue bestowed on the recipients (St. Augustine, Serm. 57 in Matt., de Orat. Dom., n. 7). Hence the holy Council of Trent calls the Eucharist "the antidote whereby we are delivered from daily faults and preserved from deadly sins" (Sess. 13, cap. 2).

This desire on the part of God was so well understood by the first Christians, that they daily flocked to the Holy Table as to a source of life and strength. "They were persevering in the doctrine of the Apostles, and in the communication of the breaking of bread" (Acts ii, 42). And that this practice was to continue into later ages, not without great fruit of holiness and perfection, the holy Fathers and ecclesiastical writers bear witness.

But when in later times piety grew cold, and more especially under the influence of the plague of Jansenism, disputes began to arise concerning the dispositions with which it was proper to receive Communion frequently or daily; and writers vied with one another in imposing more and more stringent conditions as necessary to be fulfilled, the result of such disputes was that very few were considered worthy to communicate daily, and to derive from this most healing Sacrament its more abundant fruits; the rest being content to partake of It once a year, or once a month, or at the utmost, weekly. Nay, to such a pitch was rigorism carried, that whole classes of persons were excluded from a frequent approach to the Holy Table; for instance, those engaged in trade, or even those living in the state of matrimony.

Others, however, went to the opposite extreme. Under the persuasion that daily Communion was a divine precept and in order that no day might pass without the reception of the Sacrament, besides other practices contrary to the approved usage of the Church, they held that the Holy Eucharist ought to be received, and in fact administered it, even on Good Friday.

Under these circumstances the Holy See did not fail in its duty of vigilance. For, by a decree of this Sacred Congregation, which begins with the words Cum ad aures, *issued on the 12th of February,* A.D. 1679, *with the approbation of Innocent VI., it condemned these errors, and put a stop to such abuses; at the same time declaring that all the Faithful of whatsoever class, merchants or tradesmen or married persons not excepted, might be admitted to frequent Communion, according to the devotion of each one and the judgment of his confessor. And on the 7th of December,* 1690, *by the decree of Pope Alexander VIII.,* Sanctissimus Dominus, *the proposition of Baius, postulating a perfectly pure love of God, without any admixture of defect, as requisite on the part of those who wished to approach the Holy Table, was condemned.*

Yet the poison of Jansenism, which, under the pretext of showing due honor and reverence to the Holy Eucharist, had infected the minds of even good men, did not entirely disappear. The controversy as to the dispositions requisite for the lawful and laudable frequentations of the Sacrament survived the declarations of the Holy See; so much so, indeed, that certain theo-

logians of good repute judged that daily Communion should be allowed to the Faithful only in rare cases, and under many conditions.

On the other hand, there were not wanting men of learning and piety who more readily granted permission for this practice, so salutary and so pleasing to God. In accordance with the teachings of the Fathers, they maintained that there was no precept of the Church which prescribed more perfect dispositions in the case of daily than of weekly or monthly Communion; while the good effects of daily Communion would, they alleged, be far more abundant than those of Communion received weekly or monthly.

In our own day the controversy has been carried on with increased warmth, and not without bitterness, so that the minds of confessors and the consciences of the Faithful have been disturbed, to the no small detriment of Christian piety and devotion. Accordingly, certain distinguished men, themselves pastors of souls, have urgently besought His Holiness Pope Pius X. to deign to settle, by his supreme authority, the question concerning the dispositions requisite for daily Communion so that this usage, so salutary and so pleasing to God, might not only suffer no decrease among the Faithful, but might rather be promoted and everywhere propagated: a thing most desirable in these days, when religion and the Catholic faith are attacked on all sides, and the true love of God and genuine piety are so lacking in many quarters. And His Holiness, being most earnestly desirous, out of his

abundant solicitude and zeal, that the Faithful should be invited to partake of the Sacred Banquet as often as possible, and even daily, and should profit to the utmost by Its fruits, committed the aforesaid question to this Sacred Congregation, to be looked into and decided once for all.

Accordingly, the Sacred Congregation of the Council, in a plenary Session held on the 16th of December, 1905, submitted the whole matter to a very careful scrutiny; and, after sedulously examining the reasons adduced on either side, determined and declared as follows:

1. *Frequent and daily Communion, as a thing most earnestly desired by Christ Our Lord and by the Catholic Church, should be open to all the Faithful, of whatever rank and condition of life; so that no one who is in the state of grace, and who approaches the Holy Table with a right and devout intention, can lawfully be hindered therefrom.*

2. *A right intention consists in this: that he who approaches the Holy Table should do so, not out of routine, or vain glory, or human respect, but for the purpose of pleasing God, or being more closely united with Him by charity, and of seeking this divine remedy for his weaknesses and defects.*

3. *Although it is more expedient that those who communicate frequent or daily should be free from venial sins, especially from such as are fully deliberate, and from any affection thereto, nevertheless it is sufficient that they be free from mortal sin, with the*

purpose of never sinning mortally in future; and, if they have this sincere purpose, it is impossible but that daily communicants should gradually emancipate themselves from even venial sins, and from all affection thereto.

4. *But whereas the Sacraments of the New Law, though they take effect* ex opere operato, *nevertheless produce a great effect in proportion as the dispositions of the recipient are better; therefore, care is to be taken that Holy Communion be preceded by serious preparation, and followed by a suitable thanksgiving accorded to each one's strength, circumstances and duties.*

5. *That the practice of frequent and daily Communion may be carried out with greater prudence and more abundant merit, the confessor's advice should be asked. Confessors, however, are to be careful not to dissuade any one from frequent and daily Communion, provided that he is in a state of grace and approaches with a right intention.*

6. *But since it is plain that, by the frequent or daily reception of the Holy Eucharist, union with Christ is fostered, the spiritual life more abundantly sustained, the soul more richly endowed with virtues, and an even surer pledge of everlasting happiness bestowed on the recipient, therefore parish priests, confessors and preachers — in accordance with the approved teaching of the Roman Catechism (Part ii, cap. 4, n. 60) — are frequently, and with great zeal, to exhort the Faithful to this devout and salutary practice.*

7. *Frequent and daily Communion is to be pro-*

moted especially in Religious Orders and Congregations of all kinds; with regard to which, however, the decree Quemadmodum, *issued on the 17th of December,* 1890, *by the Sacred Congregation of Bishops and Regulars is to remain in force. It is also to be promoted especially in ecclesiastical seminaries, where students are preparing for the service of the altar; as also in all Christian establishments, of whatever kind, for the training of youth.*

8. *In the case of religious institutes, whether of solemn or simple vows, in whose rules or constitutions, or calendars, Communion is assigned to certain fixed days, such regulations are to be regarded as* directive *and not* preceptive. *In such cases the appointed number of Communions should be regarded as a minimum, and not as setting a limit to the devotion of the religious. Therefore, freedom of access to the Eucharistic Table, whether more frequently or daily, must always be allowed them, according to the principles above laid down in this decree. And in order that all religious of both sexes may clearly understand the provisions of this decree, the Superior of each house is to see that it is read in community, in the vernacular, every year within the octave of the Feast of Corpus Christi.*

9. *Finally, after the publication of this Decree, all ecclesiastical writers are to cease from contentious controversies concerning the dispositions requisite for frequent and daily Communion.*

All this having been reported to His Holiness Pope

Pius X. by the undersigned Secretary of the Sacred Congregation, in an audience held on the 17th of December, 1905, *His Holiness ratified and confirmed the present Decree and ordered it to be published, anything to the contrary notwithstanding. He further ordered that it should be sent to all local ordinaries and regular prelates, to be communicated by them to their respective seminaries, parishes, religious institutes, and priests; and that in their reports concerning the state of their respective dioceses or institutes, they should inform the Holy See concerning the execution of the matters therein determined.*

Given at Rome, the 20th day of December, 1905.

✠ Vincent,

Card. Bishop of Palestrina, *Prefect.*

Cajetan de Lai, *Secretary.*

DECREE

"cum de sacramentalibus" on 3d February, 1913

Whereas to present date many laws have been promulgated, in various times and circumstances, to regulate the sacramental confessions of Nuns and Sisters: therefore, it has now been determined to collect and coördinate all these laws, with some modifications, in one Decree of the following tenor, to wit:

1. *To each house of Nuns or Sisters there shall*

usually be assigned only one ordinary confessor; unless the great number of Religious, or some other just motive, necessitate the appointment of two or more.

2. *The ordinary confessor should not, as a rule, hold this office for more than three years. The Bishop or the ordinary, however, may reappoint him for a second or even third term of three years:*

(a) *if through lack of priests suitable for this duty he cannot otherwise provide; or*

(b) *if by secret ballot a majority of the Religious (counting also those who in other matters have no right to vote) request his retention. But the dissentients must be provided for in some other way if they so desire.*

3. *Several times every year an extraordinary confessor must be given to each religious house. All the Religious must appear before this extraordinary confessor, at least to receive his blessing.*

4. *For each religious house the ordinary will assign several priests whom each Religious in particular cases can easily send for to hear their confessions.*

5. *If any Religious, for the peace of her soul or greater progress in spiritual perfection, ask for a special confessor or spiritual director, the ordinary has readily to grant her demand. The ordinary, however, will see to it that abuses do not arise from such concession; and if abuses should come, let him cautiously and prudently remove them, always safeguarding liberty of conscience.*

6. *If the house of Religious is subject to the ordinary of the place, he is to choose both the ordinary*

and extraordinary confessor; but if the convent is subject to a Superior who is a Regular, then this Superior will present priests for the office of confessor to the ordinary of the place, to whom it belongs to grant them the power of hearing confessions.

7. *For the office of confessor (whether ordinary, extraordinary or special) priests may be chosen from the secular, or (with the permission of their Superiors), from the regular Clergy, provided that in neither case they have power in foro externo over these same Religious.*

8. *These confessors should have completed their fortieth year and be distinguished for prudence and integrity of life. But the ordinary may, through a just motive and on his own responsibility of conscience, delegate for this office priests who have not yet reached the age specified, provided that they have the other aforementioned requirements.*

9. *The ordinary confessor may not be appointed an extraordinary confessor; nor may he, except as provided in Article 2 of this Decree, be reappointed as ordinary confessor in the same house, until one year has elapsed from the expiration of his term of office. An extraordinary confessor, however, may be immediately appointed to the office of ordinary confessor.*

10. *All confessors of Nuns or Sisters must be very careful not to mix in the external or internal government of the community where they hold office.*

11. *If any Religious request an extraordinary confessor, no Superioress may, either personally or through others, either directly or indirectly, enquire into the*

reason of the request, or refuse the petition by word or deed, or in any way show that she tolerates it unwillingly. Should a Superioress fail in this regard, let her own ordinary admonish her; and upon a second offence let him depose her, after having first consulted the sacred Congregation of Religious.

12. *The Religious are forbidden to talk among themselves in any way about the confessions of their companions in Religion, or to criticise those Sisters who confess to one other than the designated confessor. In case they violate this prohibition, they must be punished by the Superioress or the Ordinary.*

13. *If the special confessors called to a monastery or religious house perceive that the Religious have no just reason of necessity or spiritual profit to demand special confessors, let said confessors dismiss the Religious prudently. All Religious are also admonished to use this privilege of asking for a special confessor only for their spiritual good and greater progress in religious virtues, apart from all human considerations.*

14. *When Nuns or Sisters are outside their own house, no matter what the reason, they may confess in any church or oratory, even semi-public, to any confessor approved for both sexes. The Superioress may not forbid this, or enquire about it, even indirectly, and the Religious are not bound to mention the fact to their Superioress.*

15. *Any Nun or Religious, when seriously sick, although not in danger of death, may call any priest approved for hearing confessions, and she may confess to him as often as she wishes during this serious illness.*

16. *This Decree must be observed by all religious families of women, whether of solemn or simple vows, or Oblates or other pious communities not bound by vows, even though the Institute be merely diocesan. This Decree also binds communities under the jurisdiction of a Prelate Regular; and if he does not see to it that his subjects faithfully obey this Decree, the Bishop or ordinary of the place shall himself, as a Delegate of the Apostolic See, enforce its observance.*

17. *This Decree must be added to the rules and constitutions of each and every religious family of women and publicly read in the vernacular once a year in a chapter of all the Religious.*

Therefore our Holy Father, Pope Pius X, having heard the mind of their Eminences the Cardinals of the Sacred Congregation of Religious, assembled in plenary Congress at the Vatican the thirty-first day of January, 1913, *has deigned, after the report of the undersigned Secretary, to approve and confirm this Decree in all its parts and to order that it be published and faithfully observed in the future by all whom it concerns.*

All dispositions whatsoever, even though worthy of special and individual mention, to the contrary notwithstanding.

Given at Rome, from the Secretariate of the Sacred Congregation of Religious, the third day of February, 1913.

L ✠ S. Fr. J. C. Card. Vives, *Prefect.*

Donatus, Archb. of Ephesus, *Secretary.*

QUINQUENNIAL REPORTS

The Codex of Canon Law provide that approved religious congregations must report to the S. Congregation of Religious every five years or oftener, if their constitutions so prescribe. By a decree, approved by Pope Pius XI on February 25, 1922, and promulgated in the official organ of the Holy See March 15, 1922, the S. Congregation of Religious orders as follows:

1°. Five years is the fixed and common period for all religious to begin with January 1, 1922.

For congregations of women, having their mother-house or the residence of the Superior General in the countries named below, the following years are indicated, beginning with 1923:

First year — for Italy, Spain and Portugal.

Second year — France, Belgium, Holland, England, Ireland.

Third year — for all other countries of Europe.

Fourth year — for both North and South America.

Fifth year — for all other parts of the world, and also for all societies of women, leading a community life like religious, but without vows or with only private vows.[1]

2°. Congregations that should have sent in their reports during the five years preceding 1923, are excused from reporting again between 1923 and 1927, but must thereafter report in the year indicated for them.

3°. In making their report the congregations must answer faithfully the questions, now brought by the S. Congregation of Religious in conformity with the Codex.

4°. General Superiors of Congregations or of societies living in community, like religious, and who were not obliged to report before the promulgation of the Codex, until the S. Congregation should provide otherwise, are now in conscience obliged to send a correct and faithful account of such description as may appear appropriate to the nature of their Congregation, yet so that the Holy See may obtain thereby full knowledge of the material, moral and disciplinary state of the Congregation.

[1] Congregations of Brothers must report in 1926 and every five years after that.

The first report should preface its remarks about the actual state of the Congregation with an historical notice about its founding, especially in so far as its approval by the Holy See and its present Constitutions are concerned. It should also explain the internal form of government, the nature of the vows, any changes that may have been made in the above, any relaxation in the Rule and by what authority that was effected.

If any Congregation had its constitutions revised or approved by the Holy See since the promulgation of the Codex, and if they provide for a more frequent report, this stipulation continues in force, the present decree notwithstanding.

On March 6, 1922, the S. Congregation of Religious defined that foundresses of religious Congregations or of pious Societies, leading a community life, like religious, if they are Superiors General of their Congregation have no right to that office for life, if the Constitutions determine the duration of that office, and forbid the reelection of the same person beyond a certain limit.

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